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DEBATES

—OF—

THE SENATE

—OF THE—

DOMINION OF CANADA,

1883.

REPORTED, EDITED AND PUBLISHED

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FIRST SESSION—FIFTH PARLIAMENT.

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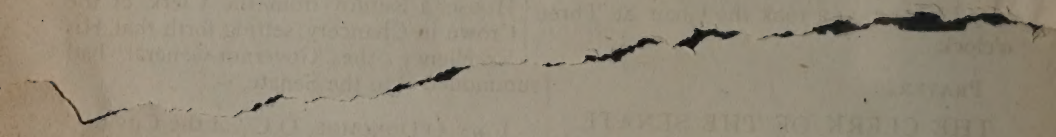

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THE DEBATES

—OF THE—

SENATE OF CANADA

—IN THE—

FIRST SESSION OF THE FIFTH PARLIAMENT OF THE DOMINION OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON THE 8th OF FEBRUARY, 1883, IN THE FORTY-SIXTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THE SENATE.

Ottawa, Thursday, Feb. 8th, 1883.

The SPEAKER took the Chair at Three o'clock.

PRAYERS.

THE CLERK OF THE SENATE.

The SPEAKER informed the House that a Commission under the Great Seal had been granted to EDOUARD JOSEPH LANGEVIN, appointing him the Clerk of the Senate.

The Commission was then read, and the Clerk took and subscribed the oath of office.

MASTERS IN CHANCERY.

The SPEAKER reported to the Senate that Commissions under the Great Seal had been issued, appointing JAMES ADAMSON, JAMES GEORGE AYLWIN CREIGHTON and EDOUARD JOSEPH LANGEVIN, Masters in Chancery, and the said Commissions were read and ordered to be put upon the Journal.

COMMISSIONERS UNDER THE GREAT SEAL.

The SPEAKER informed the House, that EDOUARD JOSEPH LANGEVIN and JAMES ADAMSON, Clerk and Clerk Assistant of the Senate, had been appointed Commissioners under the Great Seal, to administer Oaths to Members of the Senate of Canada.

Commissions were then read.

NEW SENATORS.

The SPEAKER presented to the House, a Return from the Clerk of the Crown in Chancery, setting forth that His Excellency the Governor-General had summoned to the Senate,—

JOHN O'DONOHOE, Q.C., of the City of Toronto;

JOHN SCHULTZ, of the City of Winnipeg, in the Province of Manitoba;

LOUIS R. MASSON, of the Province of Quebec;

JOSIAH BURR PLUMB, of the Town of Niagara, in the Province of Ontario, and

LOUIS ROBITAILLE, of New Carlisle, in the Province of Quebec.

Hon. Messrs. MASSON, PLUMB and ROBITAILLE were then introduced and, having taken and subscribed the oath of office, and made and subscribed the declaration of qualification required by the British North America Act, 1867, took their seats.

THE OPENING OF THE SESSION.

The SPEAKER presented to the House the following communications :—

OTTAWA, 6th FEBRUARY, 1883.

SIR,—I am directed by His Excellency the

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Governor-General to inform you that the Chief Justice of the Supreme Court of Canada. in his capacity as Deputy Governor, will proceed to the Senate Chamber to open the Session of the Dominion Parliament, on Thursday, the 8th instant, at three o'clock.

I have the honor to be, Sir,
Your most obedient servant,
F. DEWINTON, LT-COL. R. A.,
Governor-General's Secretary.

The Honorable
The Speaker of the Senate.

OTTAWA. 6th February, 1883.

SIR,—I have the honor to inform you, that His Excellency the Governor-General will proceed to the Senate Chamber, to formally open the Session of the Dominion Parliament, on Friday, the 9th instant, at three o'clock.

I have the honor to be, Sir,
Your most obedient Servant,
F. DEWINTON, LT-COL. R. A.,
Governor-General's Secretary.

The Honorable
The Speaker of the Senate.

The House was adjourned during pleasure.

After some time the House was resumed.

The Honorable WILLIAM JOHNSTONE RITCHIE, Knight, Commander of Our Most Distinguished Order of St. Michael and St. George, Chief Justice of the Supreme Court of Canada, Deputy Governor, being seated in the Chair on the Throne,

The SPEAKER commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons, and acquaint that House. "It is the Deputy Governor's desire that they attend him immediately in this House."

Who, being come,

The Honorable the SPEAKER said :—

Honorable Gentlemen of the Senate :
Gentlemen of the House of Commons :

I have it in command to let you know that His Excellency the Governor-General does not see fit to declare the causes of his summoning the present Parliament of Canada until a Speaker of the House of Commons shall have been chosen according to law, but to-morrow at the hour of three o'clock in the afternoon, His Excellency will declare the causes of his calling this Parliament.

The Deputy Governor was pleased to retire, and the House of Commons withdrew.

The Senate adjourned at 3.30 p.m.

THE SENATE.

Ottawa, Friday, February, 9th, 1883.

The SPEAKER took the Chair at 2.30 p. m.

PRAYERS.

NEW SENATOR INTRODUCED.

Hon. W O'DONOHOE was introduced, and having taken and subscribed the oath of office and made and subscribed the declaration of qualification, took his seat.

The House was adjourned during pleasure.

THE SPEECH FROM THE THRONE

HIS EXCELLENCY THE GOVERNOR-GENERAL, being seated on the Chair on the Throne, was pleased to command the attendance of the House of Commons.

The members of that body preceded by their Speaker, the Honorable George Airey Kirkpatrick, appeared at the Bar. The Honorable George Airey Kirkpatrick then informed His Excellency that the choice of the House of Commons had fallen upon him to be their Speaker ; and he prayed for the Members thereof the customary Parliamentary privileges.

HIS EXCELLENCY was pleased to open the FIRST SESSION of the FIFTH PARLIAMENT OF THE DOMINION OF CANADA, with the following Speech :—

Honorable Gentlemen of the Senate :
Gentlemen of the House of Commons :

It is my pleasing duty on the opening of a new Parliament to congratulate you on the auspicious circumstances under which you will begin your labours.

Canada is in the enjoyment of peace and prosperity, and all her industries, agricultural, manufacturing and commercial, are in a healthy and improving condition.

Following the example of my distinguished predecessor, I paid a visit of some length to British Columbia last season.

The great natural resources of that Province promise that as soon as the Pacific Railway is completed, an impulse to its prosperity, commensurate with the progress made elsewhere, will be assured.

Meanwhile, the disposal of the lands set aside in aid of the Railway to actual settlers will add to the importance and wealth of the Province.

While passing through the United States I was rejoiced to observe many evidences of regard for the Empire of which this country forms so large a portion.

May this friendship, which is so fully returned by us, be as enduring as it is natural and advantageous to the mutual interests of both great nations.

The steady flow of settlers into Manitoba and the North-West Territories last year, and the assurances received of an increased immigration during the coming season, promise well for the early development of those fertile and salubrious regions.

It is important that the laws relating to the representation of the people in Parliament should be amended, and the electoral franchises existing in the several provinces assimilated. A measure for this purpose will be submitted for your consideration.

I am advised that the Judgment of the Lords of the Judicial Committee of the Privy Council delivered last June on the appeal of Russell *versus* the Queen goes to show, that in order to prevent the unrestrained sale of intoxicating liquors, and for that purpose to regulate the granting of shop, saloon and tavern licenses, legislation by the Dominion Parliament will be necessary. Your earnest consideration of this important subject is desired.

Your attention is specially invited to a measure regulating Factory Labour and the protection of the workingman and his family.

Bills for the consolidation and the amendment of the laws relating to the Customs, the Militia, and the Public Lands, will be laid before you.

Among other measures Bills will be presented to you respecting the Civil Service, the Acts relating to Banking and the examination of Masters and Mates of vessels navigating our inland waters.

I am glad to be able to inform you that the progress of the Canadian Pacific Railway has been quite unprecedented. Traffic can now be carried on the main line from Thunder Bay to within fifty miles of the crossing of the South Saskatchewan, a distance of over one thousand miles. It is confidently expected that the Rocky Mountains will be reached during the present year, and that within the same period substantial progress will be made on the Lake Superior Section of the Railway, and the track laid upon a large portion of the road now under contract in British Columbia.

I have also pleasure in stating that the traffic on the Intercolonial Railway is largely in excess of any former year, and that the balance in favour of the road shows a gratifying increase.

Gentlemen of the House of Commons:

The accounts of the last fiscal year will be laid before you.

You will be pleased to learn that, notwithstanding the expenditure on Capital account amounted to more than seven millions of dollars, the surplus of the Consolidated Revenue, together with the proceeds of the sales of the lands in the North-West during last year, were more than sufficient to cover that expenditure, and that the net debt at the close of the year and the amount of interest paid thereon were less than for the year previous.

The estimates for the ensuing year will also be submitted. They have been prepared with all due economy consistent with the necessary development of the varied resources of the Dominion.

On the first of January, 1885, the large 5 per cent. loan will mature. A Bill will be submitted authorizing the issue of Debentures bearing a rate of interest not exceeding 4 per cent. for the redemption of this loan.

Honorable Gentlemen of the Senate:
Gentlemen of the House of Commons:

The subjects I have mentioned to you are of much importance, and I commend them to your consideration with full confidence in your discretion and patriotism.

His Excellency the Governor-General was pleased to retire, and the House of Commons withdrew.

The House resumed.

BILL INTRODUCED.

"An Act relating to Railways."—(Sir Alex. Campbell).

THE ADDRESS.

MOTION.

The SPEAKER reported His Excellency's Speech from the Throne, and the same was read by the Clerk.

SIR ALEX. CAMPBELL moved that the House do take into consideration the Speech of His Excellency the Governor-General on Monday next.

The motion was agreed to.

ORDERS AND CUSTOMS OF THE SENATE.

COMMITTEE APPOINTED.

SIR ALEX. CAMPBELL moved:

"That all the Members present during this Session be appointed a Committee to consider the Orders and Customs of this House and Privileges of Parliament, and that the said Committee have leave to meet in this House, when and as often as they please."

The Senate adjourned at 4 p.m., until Monday next.

THE SENATE.

Ottawa, Monday, Feb. 12, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ADDRESS.

MOTION.

HON. MR. ROBITAILLE—En me levant pour la première fois dans cette enceinte, j'éprouve le besoin de réclamer votre indulgence. Je suis convaincu que vous me l'accorderez d'autant plus volontiers, qu'il n'y a que quelques jours que quelques jours que j'ai l'honneur d'occuper un siége dans cette honorable Chambre. J'ai été heureux d'entendre Son Excellence le Gouverneur-Général féliciter cette Chambre et le pays tout entier sur la prospérité si remarquable qui règne d'un bout à l'autre de la Confédération. Et il m'est bien agréable de pouvoir concourir dans cette déclaration; car, j'ai pu voir par moi-même que cette prospérité n'est pas limitée aux grands centres manufacturiers, mais qu'elle existe aussi chez les cultivateurs et chez ceux qui s'adonnent à la grande industrie de la pêche.

Son Excellence a pu lui-même juger de cette prospérité dans son voyage à la Colombie-Britannique; et cette Chambre a pu voir que si d'un côté la population de cette Province éloignée est toujours fidèle et loyale envers notre Gracieuse Souveraine, d'un autre côté nos voisins des Etats-Unis ont montré envers le Gouverneur-Général du Canada les égards et le respect que nous montrerions au chef de l'Exécutif de l'Union Américaine, s'il visitait un jour notre pays.

Je suis convaincu, honorables messieurs, que vous avez appris avec satisfaction la grande immigration de l'année dernière, et celle qui se prépare cette année à établir nos terres de Manitoba et des Territoires du Nord-Ouest. Cette immigration est le résultat nécessaire de cette politique éclairée qui a engagé le Gouvernement et le parlement à ouvrir ces vastes régions au moyen du chemin de fer du Pacifique. Nous devons nous sentir fiers des progrès que fait cette grande voie ferrée, et de l'augmentation si considérable de notre population. Nous avons là l'assurance d'une prospérité constante et d'une accession continue à notre population. La conséquence doit nécessairement être la continuation d'un revenu considérable qui permet au pays de pourvoir, non-seulement aux dépenses ordinaires, mais encore fournit les moyens d'améliorer nos havres et nos rivières, et d'accorder un aide bienfaisant à la grande industrie des pêcheries. Bien plus, nous avons pu l'an dernier, comme le dit si bien Son Excellence, payer les sept millions nécessaires pour la construction du chemin de fer du Pacifique et de nos canaux au moyen de l'excédant de nos revenus.

Le pays doit se réjouir à la pensée que cette dépense nécessaire a pu être faite sans augmenter la dette, et que l'intérêt sur la dette du pays, au lieu d'augmenter, diminue, comme l'indique le discours du Trône.

En parlant du chemin de fer du Pacifique, je ne dois pas oublier, honorables

messieurs, le chemin de fer Intercolonial qu'a procuré aux Provinces Maritimes et à la Province de Québec de si grands avantages. Espérons que le Gouvernement se trouvera bientôt en position de pouvoir compléter cette grande voie ferrée, en en assurant les bienfaits à certaines régions, qui, en l'alimentant, deviendront plus tard des sources de profit dans l'intérêt général.

Je ne parlera pas, honorables messieurs, des lois de milice, des terres publiques, des douanes et des banques avant que ces mesures nous soient soumises. Mais je dois déclarer ici que je vois avec satisfaction l'intention du Gouvernement de présenter une mesure pour l'assimilation de la franchise électorale dans les différentes provinces du pays ; et aussi une autre mesure pour perfectionner le service civil. Je suis convaincu que les employés du service qui forment un corps si capable et si respectable seront heureux de voir que le Gouvernement et le parlement désirent améliorer leur sort.

Quand au projet de loi que l'administration nous promet au sujet des maîtres et contre-maîtres de vaisseaux dans les eaux intérieures du Canada, je suis certain que le pays tout entier se réjouira de voir que cette question importante qui intéresse la vie et la propriété, reçoive la considération du parlement. Il en est de même d'une autre mesure importante qui nous est promise en rapport avec les manufactures et les industries du pays. Cette mesure protégera l'ouvrier et sa famille, en assurant sa sécurité et rendant plus salubres les édifices où il accomplit son labeur. Avant de terminer, honorables messieurs, je ne puis pas omettre de faire allusion au paragraphe du discours du Trône qui nous annonce que le parlement aura à considérer quelles mesures il conviendrait d'adopter pour empêcher la vente sans restriction des liqueurs enivrantes, tout en réglant la question des licences d'auberge. Ce sujet est de la plus haute importance. Et pour ma part, dans les limites de mon pouvoir, je ferai en sorte de seconder l'administration dans ce qu'elle croira être nécessaire pour atteindre ce double but.

Je remercie cette honorable Chambre de l'attention qu'elle m'a accordée, et je propose :

That an humble Address be presented to His Excellency the Governor General to thank His Excellency for his gracious Speech at the opening of the present Session, and further to assure His Excellency,—

That we receive with much pleasure His Excellency's congratulations on the auspicious circumstances under which at the opening of a new Parliament we shall begin our labours.

That we are gratified by the expression of His Excellency's opinion, that Canada is in the enjoyment of peace and prosperity, and that all her industries, agricultural, manufacturing and commercial, are in a healthy and improving condition.

That we thank His Excellency for informing us that, following the example of his distinguished predecessor, he paid a visit of some length to British Columbia last season ; and for the expression of his conviction that the great natural resources of that Province promise, that as soon as the Pacific Railway is completed, an impulse to its prosperity, commensurate with the progress made elsewhere, will be assured, and that meanwhile, the disposal of the lands set aside in aid of the Railway to actual settlers will add to the importance and wealth of the Province.

That we learn with great satisfaction that while passsing through the United States His Excellency was rejoiced to observe many evidences of regard for the Empire of which this country forms so large a portion ; and that we concur heartily in His Excellency's wish that this friendship, which is so fully returned by us, may be as enduring as it is natural and advantageous to the mutual interests of both great nations.

That we share His Excellency's belief that the steady flow of settlers into Manitoba and the North-West Territories last year, and the assurances received of an increased immigration during the coming season, promise well for the early development of those fertile and salubrious regions.

That we understand that His Excellency has been advised that it is important that the laws relating to the representation of the people in Parliament should be amended and the electoral franchises existing in the several provinces assimilated ; and that the measure to be submitted to us for this purpose will receive full consideration.

We receive with gratification the information that the steady flow of settlers into Manitoba and the North-West Territories last year, and the assurances received of an increased immigration during the coming season, promise well for the

early development of those fertile and salubrious regions.

We humbly agree with Your Excellency that it is important that the laws relating to the representation of the people in Parliament should be amended, and the electoral franchises existing in the several provinces assimilated, and we assure Your Excellency that our most careful attention will be given to the measure for this purpose, which Your Excelleney has been pleased to inform us will be submitted for our consideration.

We thank Your Excellency for informing us that you have been advised that the Judgment of the Lords of the Judicial Committee of the Privy Council delivered last June on the appeal of Russell *vs.* the Queen goes to show, that in order to prevent the unrestrained sale of intoxicating liquors, and for that purpose to regulate the granting of shop, saloon and tavern licences, legislation by the Dominion Parliament will be necessary. In compliance with Your Excellency's desire, our earnest consideration shall be given to this important subject.

Our best attention, Your Excellency may be assured, will be given to any measure regulating Factory Labour and the protection of the workingman and his family which may be submitted to us, and also to the Bills for the consolidation and amendment of the laws relating to the Customs, the Militia and Public Lands, which Your Excellency has been pleased to say will be laid before us.

It affords us pleasure to learn that among other measures Bills will be presented to us respecting the Civil Service, the Acts relating to Banking, and the examination of Master and Mates of vessels navigating our inland waters.

We beg leave to assure Your Excellency that we share the gladness with which your Excellency has been able to inform us that the progress of the Canadian Pacific Railway has been unprecedented, and that traffic can now be carried on the main line from Thunder Bay to within fifty miles of the crossing of the South Saskatchewan, a distance of over one thousand miles. We also rejoice to know that it is confidently expected that the Rocky Mountains will be reached during the present year, and that within the same period substantial progress will be made on the Lake Superior Section of the Railway, and the track laid upon a large portion of the road now under contract in British Columbia.

We participate in the pleasure Your Excellency also has in stating that the traffic on the Intercolonial Railway is largely in excess of any former year, and that the balance in favour of the road shows a gratifying increase.

We agree with Your Excellency that the subjects you have mentioned to us are of much importance, and we beg to assure Your Excellency that they shall receive our most careful consideration, and we thank Your Excellency for the confidence which you have been so graciously pleased to express in our discretion and patriotism.

HON. MR. O'DONOHOE—I rise to second the adoption of the address in reply to His Excellency's speech to the Senate and Commons of our Dominion. The duty is cast upon me, not by reason of any ability of mine, but by virtue of a prevailing usage, that from the most recently appointed members of your ancient and honorable House should be taken the mover and seconder. The clear and exhaustive speech of the Hon. Senator from the Gulf Division who moved the Address, makes my work in seconding it very light. Yet when I hear His Excellency's congratulations on the auspicious circumstances under which the present Parliament of the people of Canada commences its labors, so cordially expressed towards the people of Canada in the introduction of the address, I cannot but, and I do, invoke the reciprocal sentiments of the entire Canadian people.

Of the exactness, accuracy and feasibility of this exposition, this graphic picture, no intelligent citizen of Canada, free from prejudice, can doubt. It is such a happy condition of things as perhaps at this moment no other country in the world enjoys. Canada! our home, is indeed to-day, under the blessings of a kind Providence and the fostering care and patriotic efforts of her gifted sons, a land of peace and plenty. "*Esto perpetua.*"

In 1881, His Excellency made an arduous journey of exploration through the fertile plains of the great North West. He had read and heard reports of its boundless extent, its great fertility. He, like Columbus, made up his mind "to see the land." The knowledge thus acquired by personal investigation cannot fail, on being disseminated, to allay prejudices and to be of inestimable service to Canada.

Feeling still that his work would not be complete, until, following up the footsteps of his illustrious predecessor, he had seen Canada from ocean to ocean, in company with Her Royal Highness he crossed the American continent and visited that interesting portion of our Confederation, British Columbia. When his story of it is told we shall hear of a land of inexhaustible coal mines, precious metals, vast forests of the largest pines in the world, and in its valleys vast tracts of arable land, with her fisheries on the Pacific coast, the richest without any exception, known.

His Excellency, and his gifted predecessor, the Earl of Dufferin, have been but the skirmishers, feeling the way for the great army which is sure to follow them. By their utterances, not from hearsay, but actual observation, the resources of our territories will be made known, their account will have credit at home and abroad. They will tell of our vast wheat growing region, the prairies of the west, larger in extent, richer in soil, and capable of producing, with less labor, a larger quantity of cereals per acre, than any other country on the globe.

In old Canada, the settler on taking up land, had before him a work that none but a man of extraordinarily large and great hope dare encounter.

The immigrant from the British Isles who entered upon his lot of land, found on reaching it, that it was a piece of a dense boundless forest, with pines that seemed taller than the grandest church spires in Europe, and better tied to the soil than any structure that the art of man ever devised.

How different the lands to which we now invite our fellow subjects. The settler can gather his crop at the end of the first summer, has no forests to clear before he can bring his land into cultivation. The climate for the growing months, from April to September, has a mean temperature not lower than that of the Lake regions of Ontario, and the absence of wind and moisture and light snow fall of the winter months, mitigate the rigours of extreme frosts, which serve to pulverise the soil and to prepare it for the reception of seed.

It is most gratifying from this address of His Excellency to learn that while he was passing through the great American Republic he experienced from her citizens marked frendliness and attention. The citizens of the United States are our neighbours, closely connected with us by country, by blood, and a common language. Their interests, commercially and socially, are largely interwoven with ours. Divided only by a long immaginary boundary line, the most kindly and cordial feeling should ever be maintained between the two countries, and I here in the presence of the Senate of Canada venture to say that the good will manifested by the Republic to the Governor-General of Canada is reciprocated by equal cordiality and kindness by the entire Canadian people, whose wish it is that the frontier line dividing both countries shall never be crossed except for purposes of mutual friendly intercourse, social and commercial. (Applause.)

Hon. Gentlemen, it is not so remote as to be difficult of recollection when the policy of the present administration was declared in respect to the settlement of the North-West, and the prosperous province of Manitoba. The prophetic calculation of the present Premier in regard to the population that would as the result of that policy follow, was sharply criticised and even derided. It has proved, however, to have fallen far within the actual results. We have now the satisfaction of knowing that an industrious and enterprising pioneer population are moving as an advanced guard to the fertile plains.

It seems to me unaccountable that while we are possessed of such vast domains free to all, that there are, I might say millions of our fellow subjects suffering from want of food. Such are to be found in England itself, in Scotland, and notably in Ireland. Can something not be done to bring this suffering people and our lands together? They will make good settlers. The lands of the North-West are suitable to their experience and they are men that never turned their back upon the enemy. They will prove "their country's stay in day and hour of danger."

No people on the face of God's earth ever suffered as have the Irish. They are the victims of alien laws and a feudal system that should have been long ago buried in the debris of the past.

In the dark hours of Ireland's adversity, Canada took her by the hand; when even the United States refused to them a landing in 1847, her immigrants

were not only allowed to land in Canada, but were, when stricken down by famine disease and death cared for by the people, at the sacrifice of their lives and health to the last.

At the beginning of Confederation it was found most convenient to adopt the franchises as they then existed in the respective provinces, as the basis of parliamentary representation. No attempt has since been made to evolve a common rule to govern the whole. While it may be difficult to agree upon a uniform basis for the Dominion, it must be obvious that those who are sent here as representatives of the united people should be elected upon the same, or as nearly the same basis as can be secured. The subject is one of importance, and worthy the serious consideration of the Legislature; it will, no doubt, be dealt with in a wise and liberal spirit.

It would appear from the judgments of the Lords of the Judicial Committee of the Privy Council, delivered last June in the case of *Russell* vs. *The Queen*, that the Legislature of the Dominion alone has jurisdiction over the unrestrained sale of intoxicants. No measure of more importance can occupy the attention of this honorable House: great deliberation, research and wisdom are required in dealing with this most subtle question. It is, as it seems to me, a sad reflection on the civilization and boasted progress of this nineteenth century, that legislatures authorise the manufacture and sale of spirits, and condemn as criminals those who partake of them.

I am glad to see that attention is specially given to the protection of the workingman and his family, and the regulation of factory labor, although it is scarcely possible that in a young country like this, with manufactures yet in their infancy, any such serious abuses can exist as have merited the attention and interference of philanthrophists in crowded manufacturing centres. But no doubt such a measure is at once wise and prudent in advance, and before abuses have become so extensive and firmly fixed as to render dealing with them not an easy matter.

The Government has shown its attention to the public wants by foreshadowing its purpose to make such changes in the Militia, Civil Service and Public Land Laws, as experience in their working has shown to be necessary, and among them it is especially worthy of notice that an attempt will be made to render the navigation of our great inland waters less hazardous to life and property, by requiring rigid inspection of vessels and due qualification of persons entrusted with their management. I am rejoiced to think that in this most laudable pursuit the Government may see its way to extend to our inland seas—the lakes of Canada—the marine code which has for a long time existed and been applied on the ocean, defining the qualification of master and mates of steamers and sailing vessels. Let us hope and trust that such an improvement will be made as to prevent in our inland waters a recurrence of the unfortunate and painful events of the last year.

The progress of the Canadian Pacific Railway is a subject of profound congratulation to the Government and the country. Without it our great heritage in the North-West would have long remained an unpeopled wilderness, valueless to the Provinces by whose money it was acquired and to the settler who needs means of disposing of his products which the railway only could furnish. The wise policy of the Government is necessary for the settler; alternate sections for free and pre-emption grants in the fertile belt will secure to him the full advantages of railway communication, and facilitate his reaching the remoter portions of the wheat and grazing districts. The Government was fortunate and unselfish in procuring men with adequate means to undertake the construction of that immense work, the Canada Pacific Railway. Already the Government are justified in the course they adopted, for not only have the Syndicate performed their obligation, but a great deal more. These enterprising men have pushed forward the work with surprising rapidity, and at a rate far exceeding that fixed by their contract. The Government and Syndicate may well smile at the latest criticism by a leading journal in Ontario upon the progress of the work. Why, hon. gentlemen, it is that the work is pushed forward too rapidly! The Toronto *Globe* of Saturday last in its commentary upon the speech from the Throne, says:—

"We are told that the progress of the Canadian Pacific is unprecedented; but we are not told

anything about the aims and objects of the C. P. Company's Construction Company; neither is it confessed, as it should have been, that the building of the road at such excessive speed is injurious to the country, in that it scatters settlement instead of consolidating it."

This reminds me of a story I once heard of a Frenchman in the Province of Quebec, who opposed railways because they frightened the cows, and stopped their milk.

Surely the millenium is at hand.

It is also a matter of public and general importance to hear that the public credit is such as to warrant the expectation that a large 5 per cent. loan, falling due in 1885, will be provided for by the issue of debentures bearing 4 per cent. interest; and the quoted price of our securities in the English money market warrants the belief that in the hands of our able Minister of Finance such a loan will be effected by timely negotiation, and upon terms more favorable than any that have yet been obtained.

Hon. Mr. SCOTT.—We always listen with some degree of interest to voices which are, for the first time, heard within this Chamber, and I must say that both the mover and the seconder, on the present occasion, have discharged their duties very creditably. They are both gentlemen, who, I think, give promise of being of some use in this House in future debates. They have said nothing very startling or striking, that will draw forth any criticisms on my part.

I should much prefer not doing so as both those gentlemen are new to us and we like to extend a welcome to them cordially and agreeably. There are features in this speech, however, on which I will make some observations. In the first place, it opens with congratulations that are due to the Government for the peace and prosperity which prevail throughout the Dominion. I do not desire to cavil at that statement: on the contrary, we all can cordially acquiesce in the proposition which is submitted for our consideration, that Canada is in a high state of prosperity at the present moment, but we may differ as to the causes of this prosperity. I will not say that the clause is artfully put there to lead the public to suppose that it is due to the policy of the Government, but I deny that the fiscal policy which prevails has anything to do with it.

The clause may or may not be read with that deduction. To my mind the result and the causes are entirely different.

The paragraph in reference to the visit of His Excellency the Governor General, occupies properly a prominent place in this Speech. His Excellency has, no doubt, drawn attention to the great fertility of the valleys of British Columbia and the undeveloped wealth in the mining interest of that country, and to many other features that present so great an attraction to settlers. I have no doubt that the Speech delivered by His Excellency there, and which attracted in London so much attention, that the "Times" and other leading newspapers of the day considered it worthy to occupy a position in their columns, and to note with favorable comment, will no doubt do much for British Columbia.

His Excellency had in former years expressed opinions of a similar character, favorable to the North-West. We know that such speeches attract more attention in the Old Country than the utterances of our own statesmen; they are regarded, at all events, with a feeling that they are frankly and truthfully given; that they are not over stated, and that they are given from an entirely independent standpoint; to that extent do the speeches of the gentleman who, for the time being, is invested with the functions of the Governor General of this country affect Canada most favorably. We know that the speeches of his predecessor in like manner, had immense influence in directing the tide of emigration to the North-West.

The fourth paragraph of the Address very properly draws attention to the civilities that were extended to His Excellency and Her Royal Highness the Princess Louise in their tour through that country, and while these attentions contributed very largely to the pleasure of both His Excellency and Her Royal Highness, they may in a larger sense be accepted by Canada as an evidence of the great friendship of the Republic towards this country. There are no small jealousies existing now on the part of the United States towards absorbing Canada. They feel that we are distinct nations, each working out its own destiny; rivals in commerce only; but in no way coming into conflict, otherwise

than in that way which developes the resources and sharpens the people of both countries. It is quite true that some impetuous member of Congress may say hard things of Canada; but take the great masses of the population of the United States, of the fifty millions of people who occupy that country, certainly nine-tenths of them feel generously towards Canada; and although they may in Congress, during the present Session, annul the fishery clauses of the Washington Treaty, they do not do it in an unfriendly spirit, but because they think they were outwitted by Canada on a former occasion. The feeling is fast growing with that people, and I think with the people of this country, that the time is not far distant when the commercial relations between the two peoples will be more intimate. I think that is a day that we should all wish for the early approach of.

The next paragraph of the Address adverts to the steady flow of settlers into Manitoba and the North-West, and to the increase of immigration. We are all glad to know that, and we hope that this year there will be an additional increase. But this subject of immigration is not one that is controlled in any way by us. Our efforts are very pigmian in diverting the flow of emigration from the old world to this country. We may appoint agents and publish unlimited pamphlets setting forth the inducements offered by this country to settlers, but the real factor in forcing emigration to America is one that we can in no way affect; it is the oppression there, the scarcity of employment and the high price of bread, and the knowledge that a change from the old to the new world will bring increase of wealth and give advantages to a young family that are not to be had in the older countries. You will find Canada gets about her fair proportion of the emigration to this continent. If we run over the statistics of the last ten years we must come to the conclusion that it is neither the efforts of one government nor the efforts of another that stimulated or retarded by its policy this emigration to Canada. You will find the increase pretty nearly in the same ratio year by year. If the emigration to the United States was large in any year, ours was correspondingly large. We know that more people left Europe last year than in any other for this continent. Nearly one million of people left the old world and sought homes on this continent last year of whom we probably got our fair share. We have, in the ratio both of population and of land, attractions equal to if not greater than those offered in the United States; therefore it is but reasonable that we should get our share of the tide that flows across the Atlantic, but the causes of that tide, as I said before, are almost entirely beyond our control. Of course, it is our duty to advocate, in every possible way we can, the advantages that Canada can offer, but at the same time it is not our acts that give rise to the tide of emigration; it is due only to causes that prevail on the other side of the ocean.

The paragraph of the Address which adverts to the necessity for a uniform franchise, is one that does not meet, at all events, with my approval. I have not heard that there was any demand on the part of the people of this country that this franchise should be altered. I was under the impression that it was working satisfactorily. It certainly, as far as the administration of the day are concerned, worked very satisfactorily to them during the last election. They ought not to be afraid to trust the people who have given them so large an assurance of confidence as they have received from the people of the Dominion. How is this franchise to be fixed? Are we to level up to the level of Ontario, or are we to level down to the basis of Prince Edward Island, where it is very nearly manhood suffrage.

We have no power over the institutions of the provinces. We cannot delegate to them powers, because they are not creatures of ours; we do not create them, they are entirely independent of us. I think myself it would have been very much better to leave the franchise as it stands, and allow it to be regulated by the several provinces. If it is to be fixed by a commission issued by the Government of the day, then I have very little faith in the result of any such tribunal. Of course, in anticipation of the machinery that may be employed, and of the basis that is proposed, it is impossible for me to predict what the evils or advantages might be; but I can say that the present system is working satisfactorily. The Government of the Dominion has at all events been an indifferent factor in the fixing of the franchise and in the preparation of the voter's list,

which is a most important matter, and which should at all times be separated from the political government—from the government which may have to appeal to that particular list.

I come now to a paragraph in the Address which, I may say, I am surprised to find there. It is the seventh clause, in which His Excellency is made to say :

> I am advised that the Judgment of the Lords of the Judicial Committee of the Privy Council delivered last June on the appeal of Russell *versus* the Queen goes to show, that in order to prevent the unrestrained sale of intoxicating liquors, and for that purpose to regulate the granting of shop, saloon and tavern licences, legislation by the Dominion Parliament will be necessary. Your earnest consideration of this important subject is desired.

Now I dissent entirely from the opinion expressed in that paragraph. I have here the judgment which has been given, and I say that the inference contained in the Speech is in no degree warranted by any language in that judgment. On the contrary I think I can show to any unprejuduced mind that a different conclusion from that in the Speech was the one at which their Lordships arrived. Their Lordships set out, first, by showing the effect of the Temperance Act of 1878, under which this question arose. The effect of the Act is generally to prohibit the sale of intoxicating liquors, except in wholesale quantities; to regulate the traffic in the excepted cases, and to make the sale of liquors in violation of the prohibitory regulations contained in the Act a criminal offence, &c; that is what their Lordships describe the effect of the Canada Temperance Act to be; it is in the direction of restraining and prohibiting the sale of intoxicating liquors. Now the appellants, the parties who are appealing against the Act, and who are endeavoring to shew that it is *ultra vires* of the Parliament of Canada, based their grounds upon three propositions The first proposition was that it was interfering with certain functions of government which were given exclusively to the local legislatures. The first of those was the exclusive privilege of shop, saloon and tavern licenses, in order to receive a revenue for provincial and local purposes. They next contended that it was interfering with property and civil rights in the provinces; and thirdly that it affected matters which were merely of a local and private nature. With the two latter propositions we have nothing to do, and the subject of my observations will be limited therefore, to the first proposition, that is, that this Act infringed on the exclusive privileges conferred upon the local legislatures, of legislating with regard to shop, saloon, tavern and other licenses. Now what is the language of their Lordships' in coming to the conclusion that the Act did not interfere with that particular clause of the British North America Act which gave to the provincial legislatures the exclusive right to confer licenses on shops, saloons, and taverns? They say it appears to them that legislation of the kind referred to, although it might have been held in some measure to include all licenses, under sub-section nine, is not in itself legislation upon or within the subjects of that sub-section; that is, they declare that the Canada Temperance Act in no way legislates on clause nine, which refers to shop licenses. That is practically the effect of their Lordships' decision, that the Canada Temperance Act does not legislate on that point. (Here Mr. Scott quoted from the judgment.)

The converse, of course, of that proposition is true. The Government assume by the language of the paragraph which I am now considering, to legislate on the subject of licenses, but my opinion is that any legislation by this Parliament, on the subject of licenses, is *ultra vires*. The Parliament of Canada can do a great many things on this liquor question; they can restrain and prohibit, but it they do not restrain or prohibit, they cannot interfere with the licenses. Now I have just put on paper a few propositions which I think are incontrovertible, on that subject, as to the power of the Federal Parliament in dealing with the sale of liquor. First, you can pass a prohibitory law over a part of the Dominion, and we have done that in the North-West at the present time; you can allow the local option to prevail under the Canada Temperance Act of 1878, to bring into force a prohibitory law so far as the area therein expressed is concerned. The Parliament of Canada may enlarge the scope of the law, that is, you may say it shall be a crime or misdemeanor to sell liquor between noon on Saturday and noon on Monday, if you like, but I think you cannot say, if the license law is prevailing, that the taverns

may be kept open on Sunday, because, although the Parliament of Canada is entitled to legislate on the first proposition, that is to restrain the sale of liquors on given days and within given areas, and at given times, because it is in accordance with peace and the good government of the country, under the provisions of the British North America Act, which refers to the prerogative—they can legislate at all times in that direction; but they cannot legislate in the opposite direction. The Parliament of Canada may restrain the traffic in liquor by grocers, and all who sell any other article; they can prevent the local legislatures from licensing grocers, because they can make it illegal for a grocer selling any other article to sell liquors, and thereby they will confine the sale of liquors to those only who deal in that article alone. They may prohibit the sale of liquors to women and children, and they may prohibit its sale within a defined distance around our schools and colleges, and make the sale of it to students illegal. They may prohibit its sale at or near railway depots, or to engineers or train-men, and they may say it shall not be sold on board vessels or to masters and mates; thus giving increased security to the traveling public. Its powers to do good in that direction have no limit, for these laws are all in the direction of peace, order, and the good government of Canada, and as such they fall within the purview of the Federal Parliament. But in localities where no prohibition law exists, the Parliament of Canada cannot legislate on the source of licenses. The Parliament of Canada cannot grant licenses, and if they cannot grant licenses, they cannot say from whom those licenses shall spring, —whether from the municipalities or from the local governments. They cannot legislate on the details of licenses, or their terms. They cannot regulate the number of licenses that may be issued in proportion to the population of a community. They cannot fix the amount payable for licenses, nor can the Parliament of Canada say how the license fee shall be distributed, —whether wholly to the municipality or wholly to the local legislature. It cannot provide for the number of stalls in a livery stable, which is an incident to a license. Certainly when I heard the word saloons put into the mouth of His Excellency the Governor General, in delivering the Speech, I felt that we were called upon to consider a subject that had never before been discussed in Parliament. I felt it to be a new thing that His Excellency should call upon Parliament to discuss matters connected with saloon licenses, and it seemed to me a little undignified to say the least of it; it sounded unpleasantly upon my ears, as was probably the case with the hon. gentlemen. If a municipality decides not to issue licenses, as they do in some parts of Nova Scotia, the Parliament of Canada cannot interfere; it cannot restrict the Saturday night law, and it cannot in violation of the license say that liquor may be sold on Sunday. It can do a great many things that are in the direction of prohibition and of the restriction of the liquor traffic, but I do not think it can enlarge it. The clause professes to be based on the assumption that some abuse had to be remedied; now I was not aware that there was a condition of things in the Dominion that called for such interference by this Parliament. My impression was that the temperance education of Canada was rapidly growing, and that temperance was spreading very rapidly in this country. We have proofs of it, but I will not detain the House now by stating them—there may be a more fitting occasion when details of this kind can be gone into—but I know of no petition that has been presented to Parliament asking us to intervene in the direction indicated in this paragraph. The only knowledge I have that the attention of the Government was in any way called to it, was in the conflict that was alluded to by the seconder of the resolution in answer to the Speech, which conflict occurred in the Province of Ontario, and arose I believe, in consequence of a deputation of licensed victuallers waiting on the head of the Government, and asking that they might be relieved from some restrictions imposed on them, under what is known as the Crooks' Act, in Ontario. The language of the Speech would lead us to assume that there was in some part of the Dominion an unrestrained sale of intoxicating liquors, and that there existed a need of better supervision. Now, I have not heard that the local authorities of the various sections of the Dominion had been at all indifferent to the restraining of the liquor traffic; on the contrary, I think

that the various authorities have been fully alive to the opinions prevailing therein, and therefore I cannot conceive that there was any necessity for this paragraph in the Address. I will watch with a great deal of interest the propositions that the Government may have to lay before us on the subject, and if they are in the direction indicated, viz;—that of regulating the granting of shop, saloon and tavern licenses, I think that the Government will feel the subject is beyond their jurisdiction. The word "legislation" is adverted to in the judgment of their Lordships, but clearly shows that any legislation belongs to the local authorities, and that the Canada Temperance Act was within the purview of the Parliament of Canada, because it did not legislate in any way on that particular clause. It simply restrained and prohibited the use of liquor under certain circumstances; but in addition to that, there is a clause of the Canada Temperance Act of 1878, which recognised the licensing system, and where, in one instance, power is given to parties in a municipality to manufacture Canadian wine in order to sell it. The local authorities may grant licenses to do so, thereby clearly showing, within that very Act, that this Parliament recognised that the licensing system belongs to the local authorities. So far as the Province of Ontario is concerned, where the only agitation—if any such may be said to exist—has existed, the effect of the legislation transferring the licenses from the municipalities to Parliament or to the Government has been most beneficial. The figures are those which go to show that since 1874 the number of licenses issued in the ratio of population has largely diminished, and that at the present time it is 42 per cent. less than it was in 1874,—that is the proportion of diminution as compared with 1874, anterior to the present system. What is known as the Crooks' Act came into operation in 1875 or 1876, and when it did, its immediate effect was to reduce the issue of licenses very largely. The regulations and restrictions imposed on the licensing system by that Act have met with the approbation, not only of temperance men, but of all men who take an interest in restraining that traffic within the narrowest possible limits. I have myself a number of figures which go to prove what I am arguing, but a more fitting opportunity may possibly arise to go into this subject when this legislation is brought down. In the meantime, I must enter my protest against the assumption that the Government has any power whatever to legislate on the subject of licenses.

It may be that this paragraph is thrown out for a purpose at the present moment. It is very well known that an election is about taking place in Ontario and this question is one which has evoked a good deal of discussion on both sides, and an endeavor has been made to show that the legislation of the Ontario Administration has had the effect of developing the liquor traffic. Now it has done nothing of the sort; it has had just the opposite effect, and the figures prove most conclusively that the effect of the Crooks' Act has been to restrict licensing and to increase the spread of temperance; and any man whose attention has been diverted to that subject, who has noted the changes in the times, year after year, can come to no other conclusion. I may here say, that a most important body of people in this country—a body which comes second in point of numbers among the religious population of the Dominion—I mean the Methodist body—at a late meeting of their Conference, passed a resolution, urging upon their members to exert their best energies in order to prevent the control of the licensing system reverting to the municipalities. I venture to say, the opinion of the leading clergymen and members of the Church of England, who take an interest in this subject, would be in the same direction, and I know, as a matter of fact, that the dignitaries of the Church to which I belong, in both Provinces, are of that opinion. The Archbishop of Toronto cordially endorsed that resolution, and believes that the effect of the legislation by the Local Parliament has been to restrain largely the spread of intemperance. This is the condition of things that this Parliament has been called upon to transform, because there are some parties—the licensed victuallers—who are dissatisfied with it, and who certainly cannot be said to be anxious to restrain the use of intoxicating liquors; and as I stated before, such a Bill will be entirely nugatory, and will simply lead to a fraud upon the people of this country. No

language could be clearer than the words I have quoted, proving most conclusively that their lordships recognised that legislation with regard to the licensing system belongs to the local legislation; that this Parliament can pass prohibitory or restraining laws, but in the absence of these restraining or prohibitory laws, it cannot deal with the licensing question; that must be left to the source where it was placed under the British North America Act. There are a number of living witnesses to the British North America Act, for it is not yet twenty years since the terms of that Act were discussed in this Chamber. I do not know whether attention was called to this particular paragraph of it, but the hon. leader of this House and at least another gentleman whom I see here, were members of the Government that prepared the British North America Act; and there are several gentlemen in the other Chamber, who were either part of the Commission or members of the Government at that time. Did any of them at that time or at any period during the last eighteen years, presume to apply to the clause under discussion, any such meaning? Did they at anytime within the last eighteen years argue that this Parliament had control of the licensing system? I think I could look up speeches by hon. gentlemen—and a number of them—and note on this subject indications that their views were strictly in the opposite sense; that for a long time there were many gentlemen who believed that the Canada Temperance Act was beyond the power of Parliament. I was met at the very threshold, when introducing the Bill of 1878 with the statement that it was beyond the prerogative of Parliament, and that the subject of the liquor traffic was one that we could not deal with except in its large sense. I say that the bill itself was in no sense a disturbing bill so far as the licensing system was concerned; the line in my mind is perfectly clear; there is no confusion whatever, and the judgement of their Lordships is most intelligible. It gives us the powers I have enumerated, in the way of prohibiting and restraining, and we can do no more. If we do not prohibit and restrain, and if the local authorities issue licenses, we cannot intervene in any way. They can say whether a license shall issue from the municipality or from an independent tribunal created by the local legislature. The mode of issuing those licenses is different throughout the Dominion, and we now seek to disturb it. The people of Nova Scotia have a very excellent law now, which prevents any man getting a license unless he first obtains the consent of a given number of persons in the locality where the proposed tavern is to be placed.

There are other systems in other parts of the Dominion, and all surrounded by the best safeguards that the governments of the several Provinces could define. In the Province of Ontario, I think the system is an admirable one, and year by year they are restraining to a greater degree. I have the figures in my possession —if any hon. gentleman wishes to see them—to prove conclusively the diminution in the issue of licenses. Taking the yearly percentage of the population from 1874 to 1881, the diminution is 42 per cent. of the licenses issued. In 1874, the licenses issued to shops, taverns and saloons in Ontario, were 6185. The very first year the Crooks' Act came into operation, they were reduced to 3938; since that time, in 1877, there were 3678; in 1878—3715; in 1879—4020; in 1880—4049; in 1881 —4133. Then you have to allow 15 per cent. in population, and had the issue of licenses continued under the municipal Act, the proportion in 1881 would have been 7112, as against the actual present figures wich are 4133, as above stated; being a difference of 2979, in the Province of Ontario alone; which is equal to 42 per cent. Now, in the face of these figures, which are officially published by the Province of Ontario, I am surprised that His Excellency has been made to speak language such as that paragraph of the Speech contains; because, in my judgment it is not truthful. The deduction there is not warrented. There is not much else in the Speech to which I fell it necessary to call attention, and I trust I will be pardoned for going so fully into that particular paragraph, but it is so short a time since the legislation of which I myself had charge in this Chamber was placed on the Statute Book, that I felt naturally a personal interest in it. I then felt that the legislation introduced went quite as far as the Parliament of Canada should go,

except it had gone in the direction of absolute prohibition.

In drafting that Bill, I was most careful that all reference to the licensing question should be omitted, and wherever it necessarily came in—as it does in some details—it is shown that it belongs to the local legislatures to deal with the licensing, and that we ought only to prohibit the sale in given areas where they came in with their power to license. We can put a stop to licensing if we please, by declaring prohibition in any given area, but if we do not choose to do that, they then can come in with their licensing power. We cannot say it will be lawful to sell liquor on Sunday, but we may say the reverse. If they put a condition in their licenses that the tavern will be closed at 7 p.m. on Saturday and not opened till 7 a.m. on Monday, we cannot say that it shall not be so; we cannot make the licenses nugatory because it is not in the direction of the power given to this Parliament. We can say the converse of that, because we could do it on the assumption that our legislation would be in the direction of peace, order and good government, but no man would say that it would be in the direction of peace, order and good government that liquor shall be sold on Sunday or any other day; it could not be maintained for one moment. There were some ridiculous laws of this kind years ago. I think it was under the blue laws of Connecticut—the legislature of that State passed a law prohibiting a man kissing his wife on a Sunday, and that law was continued in force for a long time. I do not know whether it was observed. Fortunately, we can legislate in the direction of doing much good, and largely restraining the liquor traffic, but we cannot do anything to weaken the local legislatures in the line which they have marked out for themselves, having the same object in view. Thanking the House for listening to my somewhat diffuse observations on that particular point, and making the apology—if apology need be offered—that this is a subject in which I naturally take a great deal of interest, from having had to do with the inception of the law, I will leave the subject.

HON. MR. MACDONALD—Before the Address is carried, I desire to express my satisfaction at the hopeful reference in the Speech from the Throne to the natural resources and future prospects of British Columbia. We have to thank His Excellency for the favorable prominence given the Province in other lands. With through communication from the Atlantic to the Pacific, and with such fair treatment as the Province is now receiving at the hands of a paternal Government, we have no fear of its ultimate progress. Any one who has paid attention to the amount of our contributions to the public treasury must be struck with the marvellous increase in our revenue during the last ten years. From $350,000 at the time of Confederation, it has grown year by year until now it reaches nearly $1,000,000, equal to about $16 per head of the whole population,—White, Indian and Chinese. Hon. gentlemen must be struck with this, when they compare it with the taxation of other parts of the Dominion, and especially Ontario. The people of this Province contribute $4 per head to the revenue, or only one-fourth of the taxes paid by the population of British Columbia.

I hope it will not be considered unparliamentary or out of place, my alluding to the visit of the Governor General and Her Royal Highness to British Columbia—it afforded much pleasure to all classes in our country. The considerate and kind condescension of His Excellency and Her Royal Highness, endeared them to all with whom they came in contact, and their visit will always be remembered with satisfaction, and I am proud to think that our people extended an enthusiastic and loyal reception to our most distinguished visitors, and I am extremely gratified to hear that they carried with them a good impression of our country and people. His Excellency's visit must be beneficial: he has seen with his own eyes and heard with his own ears, and as his opinion is free from any prejudice, it is worthy of the highest consideration, and therefore of great value. The allusion in the Speech from the Throne to the disposal of lands granted by the Province, in aid of the Railway, is a matter of much satisfaction to us. For some time we have been pressing on the Government, the advisability of throwing those lands open to settlement, and I am pleased to see an intention of steps being taken in that direction.

HON. MR. PELLETIER (in French)—Without any intention to prolong the debate, I rise to compliment the mover and seconder of the address on the manner in which they have discharged the duty assigned them. It is not often that I have occasion to thank the Government for anything, but I have pleasure in expressing my appreciation of the honor they have done the French element in this House in selecting one of their number to move the Address. We appreciate the compliment all the more since the miniority in the other House have not been accorded such a privilege, no speech in the French language having been delivered there to-day. I have no doubt, we owe the compliment here to the unfailing courtesy of the hon. gentleman who leads the Government in this House. I congratulate the hon. senator who moved the Address on the ability which he has displayed; he has deserved and elicited the applause of the Senate. While we have to regret the resignation of his hon. predecessor, we are pleased to find that the successor is a gentleman who fills the position creditably, and honors the Division which he represents and this House of which he is a member. As to the hon. gentleman who seconded the Address, everyone who heard him and understood the language in which he spoke, must have appreciated the eloquent manner in which he dealt with the subject.

HON. MR. RYAN—While bearing my humble testimony to the ability displayed in the Speech from the Throne, and the very pleasant nature of the communication which His Excellency has made to Parliament in his Address, it has struck me that there is one point which has not been alluded to either by the mover or the seconder, or by any of the other gentlemen who have dealt with the paragraphs before us, and which I think is a subject of some importance. I rise now in order that the member of the Administration who may think proper to reply to the speeches which have been delivered and to wind up the debate, may favor us with an explanation upon the subject. I am sure everyone will admit that nothing can be more important to us than anything which is about to deal with our monetary system and with our banking institutions which conduct that monetary system, and which is alluded to in this debate without any explanation of what the intention may be in regard to those institutions. It says in one paragraph:—

> "Among other measures Bills will be presented to you respecting the Civil Service, the Acts relating to Banking and the examination of Masters and Mates of vessels navigating our inland waters."

Now, I must confess I can hardly see the connection between these three different subjects which are thus alluded to. The connection of our banks with the Civil Service I fail to see, and their connection with the examination of masters and mates of vessels navigating our inland waters, I must confess I am at a loss to observe, unless, indeed, it be that serious accidents having occurred in the navigation of our inland waters, it might be supposed (by a person judging from that alone, and not following the events taking place in the country) that the banks have drifted into an equally unfortunate position since last Session, and must therefore be dealt with in the same manner as the masters and mates—that a similar examination of the banks is intended.

HON. MR. MACDONALD—It may be the banks of the river.

HON. MR. RYAN—Perhaps the masters and mates find their way too often upon those banks.

HON. MR. POWER—Perhaps the Government are at sea on the banking question.

HON. MR. RYAN.—What I hope is that the hon. Minister who, no doubt, will wind up the debate, will give some explanation of what the intention is in introducing measures relating to banking; because I assure hon. gentlemen this paragraph in the Speech has caused some little anxiety already about the intentions of the Government. Nothing can be more easily damaged by constant legislation and constant changing than the banking institutions of the country. It would be well to let it be known, (as I am sure it will turn out) that there is nothing damaging to the banks intended, not any attempt at introducing an irresponsible and irredeemable currency, such

as before now has been talked of in another place, and which might create an apprehension in the country, at a moment, when it is most important that our institutions should be helped by capital from abroad, and where every encouragement should be given to capitalists in this country. I do hope it will be clearly explained and put forth that nothing is intended to damage the stability of the banking institutions by any change in the acts applying to them.

Hon. Mr. BELLEROSE.—It is not my intention to take up the time of this hon. House in discussing the Address, for the very good reason that I fail to see anything in it which could prevent any hon. member of this Senate from giving it his approval. Nay, the many gratifying announcements which are therein made by His Excellency are such that I am sure the great majority of hon. gentlemen in this Chamber will only be too happy to congratulate the Government of the day on the auspicious circumstances under which this Parliament begins its labours. The prosperity of all our industries, agricultural, manufacturing and commercial, is such that we may fairly congratulate ourselves and congratulate the whole country on the success of the past legislation of Parliament. Having said so much as to the general policy of the Government I regret that I consider it my duty not to allow this occasion to pass without alluding to many of the arbitrary acts of the Government, and without complaining of the repeated injustices done to my native province during last Parliament, injustices which, it seems, the Government has decided to continue.

Since Confederation it has been agreed that the Speakers of both Houses should not belong to the same nationality and that a new man should be selected to occupy the Chair in each House at the beginning of every Parliament; such also has been the practice in the past and such even is the case this year in the Commons where Mr. Blanchet, the late Speaker, has been replaced by Mr. Kirkpatrick. Not so in the Senate, where, for the first time, the same Speaker is continued in office.

Were it not a matter of precedent and of equal justice, and above all, were it not for the treatment which the French minority in this House have received at the hands of the Government, no one would have thought of complaining, since there is no gentleman on the floor of this House whose selection to occupy the Chair could have given more satisfaction to the minority, and, no doubt to the whole House, than you, Mr. Speaker. But when one recalls to mind how the minority have been ignored since the advent of the present Government to office, it cannot be denied that there are good reasons to complain.

We all know that there are political necessities, and it was because of such a plea, that in 1879, after having complained of the manner in which the Administration had been formed in October, 1878, the French minority in the Senate submitted to *les faits accomplis* and accepted the excuse given by the hon. leader of this House, (Sir Alexander Campbell) feeling confident that their case would be attended to at the first opportunity.

This occasion soon presented itself; the Hon. Minister of Inland Revenue (Mr. Baby) was made a Judge, but no French Senator was called upon to enter the Cabinet, and so the French population of the Dominion failed to receive justice at the hands of the Government. A protest was entered at the next meeting of Parliament, and the minority in this Chamber submitted again. Later on, the Hon. Senator for the division of *Mille Isles*, (Mr. Masson) then a member of the Cabinet, having resigned his seat in the administration, a good opportunity was then offered to the Premier to fulfill the *quasi* promises the Government made in 1879, since the gentleman who had received promises in 1878 could not leave the high position he held in the Province of Quebec, to join the Federal Government. But no; the Premier of the Dominion, who had then a strong majority in Ontario at his back, cared very little to please his old supporters from Quebec, those who had fought the battles of the country under his leadership and who had given him that support without which he could not have succeeded. No French Senator was invited to enter the Administration, but another gentleman from the Commons (Mr. Mousseau) was called and occupied the vacant seat in the Cabinet as the *locum tenens* of the hon. gentleman it was reserved for.

Later on, the popularity of the Quebec Government being evidently broken down,

and great fears entertained as to the support they would receive from the majority of the Assembly, the local Premier resigned his office, and Mr. Mousseau had to give way, according to arrangements which I had the honor to make known to this House some twenty-five months ago, from my seat in this Chamber, Mr. Chapleau then became a member of the Privy Council and Secretary of State for Canada, while Mr. Mousseau took the leadership at Quebec.

Such are the intrigues which have deprived the French minority in this Senate of their right to have a French Senator occupying one of the treasury benches in this House, and which have also deprived over a million of Her Majesty's loyal subjects in this Dominion, of the rights and privileges guaranteed to them by the law of the land. Nay, those intrigues have done more ; they have brought the Government of the day into a most discreditable position. Is it not generally known throughout the length and breadth of this Dominion, that to secure his seat in the Commons, the present Secretary of State (Mr. Chapleau) had to yield to the conditions imposed upon him by the candidate opposing his return in Terrebonne, and had to pay $3,800, part of which sum, it was agreed, would go into the hands of an official dismissed by the present Government. In other words, the Secretary of State (Mr. Chapleau) to secure his seat in the Cabinet, had to acknowledge that his leader and every one of his colleagues in the Government, had done wrong, in dismissing that official, and had to pay a sum of money as an indemnity for the wrong done to him.

How will the representatives of the injured French minority in the other branch of the Legislature deal with this case of Mr. Chapleau's under such circumstances? How they will deal with the Government, who seem, I am sorry to say, to be parties to such intrigues, and who, by retaining this hon. gentleman as a member of the Ministry, have placed themselves in such an awkward position, has yet to be seen. But one thing is certain, that they are in duty bound to vindicate the rights of their constituents, and that failing to do so, the latter will have to take the matter into their own hands, see that justice is done, and call their representatives to account for their neglect of duty.

Could not the French population of the Dominion do what their Irish fellow-subjects, though less in number, have done? At the last general elections in Ontario, the Liberal Government of that Province having succeeded, grave fears were entertained as to the success of the Conservatives at the polls last spring, so that the Right Honorable Premier of Canada had to set to work to devise some means which would help him in the contest. The hon. gentleman knew by experience the importance of getting the support of the Irish vote. There was but one difficulty,—there was no vacancy in the Cabinet which he might fill by calling some gentleman of that origin to join the Administration, and so strengthen the Government. If rumor be true, the right hon. gentleman soon made up his mind how he would overcome the difficulty. Two of his colleagues were informed that they would have to go, or accept, one of them a lieut.-governorship and the other a judgeship, and thus create two vacancies in the Cabinet, which our two honorable Irish friends, Messrs. Smith and Costigan, were called upon to fill, and who were sworn in accordingly. I am happy to have this occasion to congratulate those two hon. gentlemen, and I am particularly delighted to be able to congratulate our Irish fellow subjects, on the good example they have set to the French population of the Dominion, to whom, I hope, their example will be useful, and whom, no doubt, it will encourage and stimulate.

I cannot resume my seat without calling the attention of the French element in this Dominion, and particularly of the Province of Quebec, to the charge made by the hon. leader of the Senate (Sir Alex. Campbell) against their representatives in the popular branch of this Legisture, as to their conduct in this matter of the use of the French language, and of our right to have a Minister in the Senate who can participate in the discussions in that language.

At page 35 and following pages of the Debates of the Senate for the year 1880 I find the hon. leader of this House reported as follows :

My hon. friend must bear in mind that this is not the House which makes Ministers ; that all

important power rests properly and constitutionally in the other branch of the Legislature, and the Premier must, of necessity make such arrangements as will receive the concurrence and approval of the majority in the House of Commons; and I beg to remind the hon. member that we do not hear these complaints in the House of Commons. The party to which my hon. friend belongs—the Conservative party of Quebec * * as represented in the House of Commons, does not find fault with the First Minister for not having a representative of the French speaking population in this branch of the Legislature. They do not say we are discontented, and we shall, by a vote of want of confidence, turn out the Government, because you have not done justice to the French population." They do not feel the injustice; they do not think or say that there is any injustice. * * * The hon. gentleman must see that every Government must be constructed so as to command the confidence of the lower branch of the Legislature. This Government does command the confidence of the Chamber. If they do not, and if the representatives of Quebec in the Lower House are dissatisfied, they have only to say so, and the Government must necessarily succumb. But they have no such feelings—they are content, they do not see the grievance of which the hon. gentleman complains, and the inference I draw is that, while I am aware of the convenience which would result from having a French Canadian Member of the Government in this House—to no one more than myself—yet the French Canadian Conservatives see that the circumstances were such as to hinder the Premier from making the change on the recent occasion.

Such are the reasons given by the Government as an excuse for this abuse of power. Believing as we did, and as we had reason to believe from the fair words which fell from the lips of the hon. leader of this House in previous Sessions, that justice would be done, we decided that we ought not to raise the question before the people, during the last general elections, but rather that we should give the help of our influence to the Government—as we did—and the Government have come back from the polls with a large majority. But far from receiving justice at their hands, after their victory, another step is made in violation of the established practice—that the Speakers in the two Houses of Parliament be not of the same nationality. During last Parliament the Speaker of the Senate spoke English, while the Speaker of the Commons was of French origin. The Speaker of the Senate has been continued in office during this new Parliament, while the Speaker of the Commons has been replaced by a gentleman of British origin; so that now both Speakers are English. No doubt our friends in the Commons now will see the mistake they made when they refused to help us in forcing the Government to carry out not only the arrangements entered into by the leaders of the different Provinces, but also the true interpretation of the 133rd clause of the British North America Act of 1867, which impliedly enacts that there shall be a Senator on the treasury benches in the Senate, able to follow the debates in the French language.

They will now understand, but rather late, that in the way that leads to evil, "*Il n'y à que le premier pas qui coûte.*" Rumor says that they have remonstrated—better late than never—but let them not forget that if they are indifferent when the constitution is violated by the Government, as it has been during the past four years, it will be difficult for them to make a good case, when only a simple arrangement has been violated, as in this instance.

Whenever the rights of a minority are trampled upon, the members of that minority ought to unite and demand redress. It was only thus the Irish population of Ontario accomplished their purpose.

Hon. Mr. POWER—It is not customary to discuss the Address at any length, but on the present occasion it seems to offer certain points which call for comment, and which, perhaps, can be discussed with as much profit now as at any other stage of the Session, and for that reason I venture to trespass on the time and patience of the House for a little while. I wish, before saying anything about the Address to make one or two remarks which have been suggested by the speech of the hon. gentleman who has just taken his seat. I think that the regret felt by that hon. gentleman that the Government had not thought fit during the past four years that a representative of the French element in the Senate should have occupied a seat on the treasury benches has been shared by a great many others besides the French members themselves, and I think that the regret which many of us feel at that fact must be very much intensified by what we have learned, from the hon. gentleman who has just sat down, of the extremes to which a member of the Government has been driven in order to gain a seat in the

Commons. If the Government had followed the usual, and, as I think, the proper course, and appointed a member of the Senate, there would have been no necessity for spending $3800 in buying up the opposition of an influential and obnoxious gentleman in one of the counties of Quebec. Turning to the Address, I have to join with the two hon. gentlemen who have spoken on this side of the House in congratulating the Senate on the very welcome addition to their numbers, in the persons of the gentlemen who moved and seconded the Address. The hon. gentleman who moved the Address, spoke with that ease and fluency which seem to characterise almost all the French speaking members of this House, and the other House as well, and the hon. gentleman who seconded the Address, is clearly gifted with the eloquence, for which a great many Irishmen, at any rate, are remarkable. Not being an Irishman myself, I think I can venture to say that. One of the things which I presume struck almost every gentleman present, is that the regular Opposition in this House is reduced to almost nil. I think that that is an additional reason why this House should be more independent, and less partisan if possible than it has been in the past; and I hope that the measures which the Government will introduce here, will receive from the members an independent and fearless criticism, and that hon. gentlemen will deal with those measures in the interests of the country, and not of party. I think the fact that there is practically no regular Opposition, is a cogent reason why that should be the case. The hon. gentleman who seconded the Address, is a valuable accession to this House. He has had a life long training in the Reform camp, and he has there learned the sound doctrines that people do learn in that school, and I have no doubt he will be able to deal independently, with all measures brought by the Government before this House.

With the general tone of His Excellency's Speech we can all concur. We are glad to know that Canada is in the enjoyment of peace and prosperity; and we should be glad to know that all our industries are in a healthy and improving condition. It is true that the crops during the last year were better than usual. I know that they were in the province from which I come; but, although the crops have been good, I do not think the prices of farm produce—of certain kinds at all events—grain for example, which it was understood was to be so largely increased by the National Policy, have been as large as they had been in former years. I know that in the Province from which I come, certain interests, such as the fishing interest, while fairly successful, have not been as prosperous as in certain other years. I doubt very much whether our manufacturing and commercial industries are in a prosperous condition: the assertion is not borne out by the facts. We have the president of the largest bank in the country intimating in very distinct terms that he thinks a period of depression is about to set in. We have within the last few days seen the report of the directors of the largest sugar refinery in Canada, which was not couched in cheerful language. That report certainly did not indicate that the sugar refining industry was in an improving condition—on the contrary. In fact, as to sugar refining and cotton manufacturing, and a good many other industries of that sort the natural result of excessive protection is coming about. A great many went into the business which promised at first to be exceedingly profitable. The business has been over-done; the profits are diminished; and in a year or two we shall probably see a number of the smaller and less wealthy establishments coming to grief. I do not think, therefore, that all the manufacturing and commercial interests of this country are in a healthy and improving condition. I have not heard any one point out yet how they were improving. I was very much gratified to learn from the honorable gentleman behind me that the people of British Columbia are as much gratified as were his Excellency and her Royal Highness at the visit which they made to that country. We are all naturally pleased, too, that in the United States so good a feeling exists towards us and towards the mother country.

I think that the Government will take advantage of this good feeling to endeavor to renew at the earliest possible moment, and on the most favorable terms possible, the reciprocity treaty which some years ago proved of such great advantage both to Canada and the United States.

The fifth paragraph of the Speech speaks of the steady flow of settlers into the

North West and Manitoba, as a matter of congratulation. Undoubtedly it is a matter of congratulation that there should be a steady flow of immigrants into this country. Whether it is so much a matter of congratulation that those settlers should be chiefly people who go from one part of the country to another is open to doubt; but there is another point as to which there is no doubt, and that is that the efflux of people who have been born and grown up in this country, and who are the fittest inhabitants of the country, which has been going on during the past year perhaps to as great an extent as during any previous year, to the neighboring republic, is an unfortunate and undesirable circumstance, I can speak from observation of a portion of the Province from which I come. In the neighborhood of the Strait of Canso, on both sides of the Strait, I know, the efflux to the United States has been so great that there are very few young people to be met with—I mean grown up young people. The population of two or three counties is composed in a great measure —much greater than it ought to be—of old people and children. I regret that the policy which was to have kept our people at home has not had that effect. My views as to the paragraphs in the speech and address which indicate that the Government propose to introduce a measure to provide a franchise for the Dominion are similar to the views expressed by the hon. gentleman from Ottawa. I think, in the first place, that the time for introducing the measure is strangely chosen. The present Government are in power for five years, it is to be presumed; and it is a singular thing that they should immediately on coming back with five years lease of power, undertake to alter the franchise, and alter it in such a way no doubt as they believe will secure them for a further tenure of office. It seems to me, after the lapse of two or three years, if such a thing were necessary, it would be quite time enough to introduce the measure which is here indicated. But the measure, to my mind—I may be mistaken—is altogether unnecessary. Take the old country, where there has been legislation on the question of the franchise for a great many years, and the franchise in Ireland is altogether different from the franchise in England, while the franchise in Scotland differs from both. It seems to me that the differences between the characters of the people, and the financial and social conditions of the people in the various Provinces of the Dominion are as great as the differences in the conditions of the people of the three kingdoms. The kind of franchise which suits the Province of Ontario will not suit the Province of Prince Edward Island, or probably the Province of Quebec; and it seems to me that it would be a great deal better to allow each Province to select that franchise which suits itself. We have alongside us, in the United States, a country with a government whose main outlines are similar to our own. It is a federal government; and in that country their constitution provides that the state of things which we have here shall be the rule. There the voters for the House of Representatives are the same as the voters for the more numerous branch of the State Legislature. That is the rule we have here now. That is the rule which has worked so well in the United States for over one hundred years that they have never dreamed of changing it; and we have not been shown the slightest reason why that rule should be changed here. What will be the practical working of the proposed system, in all probability? The Government will bring in a bill, and that bill will involve the necessity of a completely new machinery, starting from the assessment roll, or some such point, and going up to the revising barrister. No doubt it will give the Government an opportunity to reward a number of persons who have served them faithfully during the past few years, and it will involve a very considerable diminution of the surplus with which the Government is at present afflicted.

As to the paragraph in the speech which speaks of the judgment of the Judicial Committee of the Privy Council in the case of Russell against the Queen, I have only to say, as I said with reference to the preceding one, that my views are in accord with those of the hon. gentleman from Ottawa. It is a very important matter. The Government appear to intend to make, what I look upon as an unnecessary and unfortunate attack on the rights of the provincial legislatures; and I think that, having the Minister of Justice in this House, whose especial

duty it is to protect the constitution, it is our duty to give to that officer any suggestions that we can. Probably he has considered the subject already, but still, as the matter is of so much importance, I shall venture to say a few more words on the question. Any hon. gentleman who takes the trouble to peruse the judgment in the case which has been spoken of, will see that the Lords of the Judicial Committee of the Privy Council proceeded somewhat in this manner,—I am not going to quote, but substantially they said this:—That the Dominion Government have the right generally to pass laws for the peace and good government of Canada on all matters which are not specially appropriated to the Provincial Legislatures by the 92nd section of the British North America Act. Then taking up the matter—this question of a prohibitory law—they held that that did not come under the 92nd section; that, being a prohibitory law, not a law regulating the sale of liquors, it did not come under sub-section 9 which authorizes the Local Legislatures to issue shop, tavern and other licenses to raise a revenue for provincial purposes, it did not come under that or the 13th subsection which refers to property and civil rights, or under the 16th sub-section which refers to local matters within the Provinces; and they were careful to state in their judgment that it was because it did not come under any of these three heads, that therefore the Dominion Parliament had a right to deal with the matter. The very moment that the Dominion Parliament undertake to pass a license Act, and to say that fees shall be paid for shop, saloon and tavern licenses, then, it seems to me, following the decision and views of the Privy Council Committee, this Parliament would be infringing upon the rights of the Local Legislatures; but it is barely possible that it is one of the cases where it could be held that there was a concurrent right—that Local Legislatures have a right, expressly given them by the ninth sub-section of the 92nd Section of the British North America Act, to grant licenses for the purpose of raising a provincial revenue, and that the Dominion Parliament had the right to provide that licenses should be granted for the sale of liquors, with a view to the good government of the country, but a right which would not interfere at all with the rights of Provincial Legislatures. The consequence would be that the liquor dealers, instead of paying only one set of license fees, as they do now, would be obliged to pay two sets—one to the Dominion and one to the Provincial Government. I do not believe that this result is contemplated by the Dominion Government, which has introduced this measure, or by the liquor dealers, at whose instance it is understood as having been brought in. My own impression is that probably this paragraph in the Speech will not result in the passing of the Bill to its third reading. There is one other point in this connection to which, I think, the attention of the Minister of Justice should be called. It is this: if he will look at the decision of the Committee of the Privy Council in the case of The Citizens Insurance Company vs. Parsons, he will find laid down there the rule that the Dominion Government could not regulate trade as to one province alone; that the power given to that body to regulate trade was a power which should be exercised over the whole Dominion. Now if, under that sub-section of the 91st section, the Government were to undertake to regulate the liquor traffic, they should regulate it as to every Province of the Dominion, but no partial measure could be introduced. Whether it is a desirable thing to overturn or attempt to overturn the regulations which exist in all the Provinces, and which are working satisfactorily, is a question which, I think, the Government should consider seriously before they decide to go any further in this matter.

As to the measure which is to regulate factory labor and to protect the workingman and his family, I have only to say that, while such laws are most desirable, if the measure is the same as was introduced last year, it will be found to be very largely beyond the jurisdiction of this Parliament, and to come more properly within the jurisdiction of the local legislature. I feel, as a member of the Dominion Parliament, that we ought to be particularly careful not to pass measures here which we have no right to enact, and which are ultimately set aside by the Courts. I think our passing measures of that sort tends to bring Parliament in general and this House in particular—whose duty it is to look after the

interests of the Provinces and to scrutinize legislation from the other branch—into discredit. The Speech promises also, bills for the consolidation and amendment of the laws relating to the Customs, Militia and Public Lands. We had heretofore a good many of those consolidation and amendment Bills, and what has been their character as a rule? Why, we find a Bill submitted to us, containing perhaps a hundred clauses, of which ninety-nine are old, and only one is new matter. It seems to me to be very absurd, particularly in view of the fact that the statutes are now being consolidated by a Commissioner, to waste the time of this House in that way; and the better way is simply to bring in a Bill with the one new clause, and then we know what we are doing and what we are expected to do. I have no doubt whatever that the Bills which are promised here, are just of the same character as those which we have had in former years; that the new matter is to the old matter about as Shakespeare's two grains of wheat to two bushels of chaff.

The tenth paragraph promises us a Bill respecting the Civil Service. That, I presume, is a Bill amending last year's measure in some point in which it has been found defective. If the Bill goes a little further than the measure of last year, and provides for competitive examinations we shall all be only too glad to vote for it. There is one measure, to which every one of us can give a most unqualified approval, that is the measure for the examination of the masters and mates of vessels navigating our inland waters. I think that the rapid progress of the Canadian Pacific Railway, is a matter of congratulation. I feel that the company who are building the road have a very good bargain, and I do not see any reason why we should not be pleased that, having such a good bargain, they are hurrying up the work as much as possible. There have been some things in connection with the stock of the company which I do not altogether understand. I am not a financial man, and probably they are all right, but I understand that the stock has been sold at 60 cts on the dollar, which I look upon as an extraordinary fact.

There is a paragraph which has not been noticed by any hon. gentleman who has yet spoken, and as to which I wish to say a few words. It is the paragraph in which His Excellency says:—

"I have also pleasure in stating that the traffic on the Intercolonial Railway is largely in excess of any former year, and that the balance in favor of the road shows a gratifying increase."

I share the gratification of the Governor-General, at learning that the traffic has increased; but my gratification is somewhat diminished by the fact that during the past year there have been several deaths on the road—several valuable lives unnecessarily sacrificed. There has been a great deal of property destroyed by collisions and otherwise, which I think might have been saved; and the question occurs to me as to the balance in favor of the road—and possibly the Minister of Justice when he closes the debate will be able to give us information on this point—whether the cost of the new rolling stock rendered necessary by the destruction of the property of the road has been charged to capital account or to revenue account. I think that our opinion as to the paying qualities of the road will depend very much on the answer to this question. Undoubtedly the Minister of Railways has shown a desire to do a great deal of what the Chamber of Commerce of the City of Halifax have requested, in connection with the railway.

Hon. Mr. ALMON—Hear, Hear.

Hon. Mr. POWER—I hope my hon. colleague will not make use of this slight acknowledgment to my detriment hereafter; but my impression so far as I can gather from what I have heard is that the Minister of Railways has done a great many things that he was requested to do by the delegates of the chamber of commerce at Halifax.

Hon. Mr. ALMON—Taking him by the throat.

Hon. Mr. POWER—My hon. colleague has reminded me that they did that—that he was taken by the throat by some members—figuratively, of course; but what I wished to say was this; that while that is true, while I believe the Minister of Railways has done a great deal that he was asked to do, I venture to think with every consciousness of my own insufficient knowledge of the subject,

and with all deference to the gentlemen who represented the Chamber of Commerce, that the best and most advantageous things for the City of Halifax have not been done. I think for one thing, there has been very little done to accommodate the local traffic of Halifax. Then there is another point which is perhaps not strictly before us; but the House will bear with me in saying a few words upon it. It is a matter in which some of the hon. gentlemen from the Province of Quebec are as much interested, or nearly as much interested, as those from the Lower Provinces. It will be remembered that last year the Government proposed to construct a branch of the Intercolonial Railway from St. Charles to Point Levi. That was with a view of giving the Intercolonial Railway a connection with the North Shore Railway so called, and the object of that connection was to make the Government independent of the Grand Trunk Railway, at least so it was represented in this House. Unfortunately, since last session those efforts of the Government have been frustrated and the people of the Lower Provinces, as well as those of the Province of Quebec, have been disappointed to learn that the Grand Trunk Railway has acquired control and ownership of the North Shore Road. There was just one other means of escape for the Intercolonial; that was the eastern railway which runs close to the south shore of the St. Lawrence from Montreal, as far, I think, as Sorel, and which it was intended to continue as far as Point Levis. I regret very much to learn that this road also has passed into the hands of the Grand Trunk Railway. It seems to me that it will be the duty of the Government to see if some means cannot be devised of giving this great Government Railway a connection independent of the Grand Trunk Railway; because everyone who has anything at all to do—who has any business to transact over the Intercolonial, must know that that railway is dealt most unfairly with by the Grand Trunk Railway. I know from the best authority that loaded cars going to the Lower Provinces over the Intercolonial are detained on the Grand Trunk Railway while that Company send down their own empty cars to Point Levis; that it is not an unusual thing for goods to be three weeks on the road from Montreal to Halifax, the detention arising almost altogether on the Grand Trunk Railway. It appears to me that it is the duty of the Government, now that those misfortunes which I speak of have occurred, and that the roads which would have made us independent of the Grand Trunk Railway, have passed into the hands of that Company, to take the best possible steps to make the Intercolonial Railway, and the Lower Provinces independent of the Grand Trunk Railway. I understand that a proposition has been made—the Hon. Minister of Justice knows better than I—by the Grand Trunk Railway, to sell their road from Richmond to Point Levis. I do not see that that would put the Government in a very much better position than it is at present.

HON. SIR ALEX. CAMPBELL—No such proposition has been made.

HON. MR. POWER—I know the thing has been talked about, and I wish to say that I do not think that would put the Government or the Intercolonial in a very much better position, because the Grand Trunk Railway would still hold the road from Richmond to Montreal. It is no doubt a very gratifying thing to people who do not stop to consider, to learn that there has been a surplus of some seven millions of dollars during the past year; but there are two or three circumstances in connection with this surplus which I think might cause the ministry to reflect. In the first place, the fact that the importations of the past year have been so very large, and the duties derived from them have been so immense, goes to show that the National Policy, one of the principal avowed objects of which was to shut out foreign goods from consumption in Canada, has been in that respect especially a failure. That is a matter which I think deserves a good deal of consideration. Then, again, while no doubt it is a very gratifying thing, that we are not going into debt, still to take seven millions of dollars, or almost that amount directly out of the pockets of four millions of people through customs and excise duties, besides taking a good deal more indirectly through the high prices paid for goods manufactured in this country, seems to me to be a matter not altogether for congratu-

lation. I do nct think that the people of this country are so numerous or so wealthy as to stand for any length of time such a drain as that; and I should feel, although I think we ought to pay as we go as far as possible, that when the Government can borrow money at four per cent. as they can do now, I am told, it would be wiser on their part to borrow money for expenditure on capital account at four per cent. rather than take the whole amount out of the people of the present day. I think that posterity ought to pay, at any rate, the interest. I do not propose to say anything more upon what has already been dealt with by other honorable gentlemen, but there is yet one other matter to which I shall in conclusion call attention, and it is a subject upon which I think every honorable gentleman in this house can join with me in congratulating the Chamber. About the time that we were breaking up last session a rumor got abroad that this House was likely to lose its leader, who was likely to go elsewhere. I think that every honorable gentleman will agree with me in rejoicing that that rumor was not correct. It may have been, perhaps, a loss to the Hon. Minister of Justice that he did not go elsewhere, but if it was, I think it was our gain. I hope that so long as the present Government—I shall not say the present admirable Government, and I do not see that I should say the present iniquitous Government—so long as the present Government remain in power, I hope that honorable gentleman will continue to lead the Senate.

Hon. Mr. OGILVIE—I did not intend to take part in this debate, but I must make one observation on what the hon. gentleman from Halifax has said about the railways. He seems to blame the Grand Trunk, and probably they are to blame—I cannot tell whether they are or not—for the fact that it took forty to forty-five days for cars to go from Montreal to Halifax, I think. Well, I can only say this, that I know of one large milling firm in Montreal that has, at the present time, I think 500 or 600 cars between here and Winnipeg, and some others have taken three months to get there, with the leading railways of the west doing their best to get them forward. If they can only induce our good Government to change the weather and give us less frost and snow, I think we may get the cars there all right. The Government is not to be blamed for it, and it is very hard to blame any system of railways for a matter that cannot be helped this winter. I know that despite exertions that have been made, there are at one point—Blue Island, above Chicago—1,400 cars lying, and they cannot possibly get them through.

Hon. Mr. POWER.—If the hon. gentlemen will excuse me interrupting him, I would say that when I spoke about freight being delayed three weeks I did not refer to the present state of things, but to what has been the ordinary course of business on the road.

Hon. Mr. OGILVIE.—The fact remains quite the same; last year when there was no snow on the ground, but when other troubles came in the way with new roads and other things, it was almost impossible to get freight through in the same way. With the best connections that can be made, it is impossible at all times to deliver freight on time; and with that question I think I am thoroughly conversant.

Hon. Mr. KAULBACH moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at six o'clock, until to-morrow.

THE SENATE.

Ottawa, Tuesday, Feb. 13, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ADDRESS.

The order of the day—resuming adjourned debate on the Address, in reply to the Speech from the Throne—being called,

Hon. Mr. KAULBACH said—I had no intention last evening of addressing the

House at any length on this subject, but as I am resuming the debate to-day I desire to make some comments on the remarks that fell from some of the hon. gentlemen who preceded me, and I will probably do so at some length. I was pleased with the manner in which the hon. gentlemen on the opposite side of the House criticised the Address in reply to the Speech from the Throne. It was a fair and impartial criticism. I believe it is always desirable that we in this House should be entirely independent, and while assisting the Government in perfecting their measures in the Senate, we should freely express our opinions. Diversity of opinion is desirable, and by free discussion we can better mature our judgments than if we were in complete harmony on all questions. Therefore, I am always glad to hear independent members on both sides of the House express their views on matters coming before them.

It is not for me to eulogise the hon. gentlemen who moved and seconded the Address; that has come well from the Leader of the Opposition. Of course, it is a novel position for them and it must have been a pleasing duty to expatiate on the general prosperity and advancement of our country; in that respect, they had an easy task to perform apart from any other reason.

HON. MR. POWER.—Hear! hear!

HON. MR. KAULBACH.—My hon. friend from Halifax says "hear! hear!" No doubt he endorses it; can there be any doubt as to the prosperity which prevails? Can he show me one branch of trade or industry that is not prosperous? Since Confederation, has the Dominion at any time been more prosperous than now? The hopes of the country are bright and we can trace our advancement, to a large extent, to the fiscal and railway policy of the Government of the day. Let the hon. gentleman contrast the condition of affairs to-day with that which prevailed when his friends were in power; let him contrast the depression which then existed with the prosperity of the present time! We have to-day a surplus of six millions of dollars and the Savings Banks are overflowing with the earnings of all classes, especially of the working people of this country. There could not be a better index of the prosperity of the people. In the money markets of the world, our debentures are selling at a higher price than they do in any other colony of the Empire. These are not merely indications, they are facts, which cannot be denied, proving the prosperous condition of the country.

My hon. friend said yesterday, that we are not only manufacturing, but importing largely. I say, that is another index of our prosperity; it proves the purchasing power of the people, that they are able to import and supply themselves with luxuries which in times of depression they could not do.

My hon. friend referred to the fisheries yesterday, and said they were not productive. Coming from the same Province as he does, I cannot let that statement pass unchallenged. He is so opposed in every way to the fiscal policy of the country, that he thinks nothing good can come out of it, and therefore entertaining that belief: he imagines there is depression where none exists.

The exports of the products of the fisheries of Nova Scotia must have increased last year by a million of dollars. Does that indicate that the fisheries are not productive? That increase is largely due to the better prices obtained. The fishermen are purchasing larger supplies and through the bounty system, they are enabled to prosecute their industry on a larger scale. Everywhere in the Province of Nova Scotia, we find men fitting out their little boats and building larger vessels as the results of the encouragement given them by the Government. The fishing interest is a precarious one and should meet with this encouragement.

My honorable friend spoke of emigration from Nova Scotia, but confined his remarks to that portion of the Province bordering on the Straits of Canso. He says there is hardly any body left in that part of the country, except old people and young children. As I said before, I believe that is purely, or largely, imagination, as that condition of affairs, as a matter of fact, does not exist; I say so, not only from my own personal observation, but from the experience of others. No doubt, there has been some movement of the population; people will go abroad and some are emigrating to our North-West;

but a similar condition of affairs prevails in the neighboring Republic. Our taxation is not so large *per capita* as theirs, yet we find a continual movement of people from the Eastern States to the Western States; and the natural tendency of our population is to the West. It is so in this Province, as well as everywhere else. I should prefer that the people would remain in their native Province, but we cannot expect that our experience in that way will differ from that of our neighbors. Therefore, I say, it cannot be the pressure of taxation in Canada, because the National Policy has been approved of by the country. There cannot be in this House any opposition to that policy now, after the unmistakable expression of opinion which has been given by the people at the polls in favor of the course pursued by the Government and particularly with regard to their Fiscal and Railway policy. We have great cause to congratulate ourselves in every way, not only on our present position, but also on the hopeful prospects before us.

Then, as regards the mines, look at the coal industry of Nova Scotia; look at the number of vessels employed and the output of the mines compared with the returns of former years! I see, from some report issued in Montreal, only lately, that over a hundred thousand tons of coal were sent there from Nova Scotia last year, more than in any previous year. All this is indicative of a wise administration of public affairs by the present Government and proves the wisdom of their policy.

I see a paragraph in the Speech with regard to the North-West. I am very glad to find, on the authority of His Excellency the Governor-General, that these vast territories are so well adapted to settlement. It confirms what his predecessors have said. This report going abroad to Europe must have a beneficial effect particularly in Great Britain, in bringing out settlers to this country. It is all important to us to have those territories settled as soon as possible; it will not only benefit those who make their homes there, but it will lessen the general taxation of the country and relieve us of the burden we have assumed in constructing the Canadian Pacific Railway and developing the North-West Territory. It will also contribute to the success ofthe people who embarked in that gigantic enterprise, and their success must be beneficial to the whole country. It was an enormous undertaking, and we should be glad to learn that they are succeeding and are likely to reap large profits in an under-taking fraught with such risks. Already, since they have taken this enterprise in hand, the revenue of the country has largely increased from the sales of public lands, and we can now say with certainty, that the rest of the Dominion will not feel any burden of taxation arising from the construction of that road. I know at one time we thought this country had a white elephant on its hands—that the whole country would be burdened with an irredeemable burden of debt and taxation in consequence of the undertaking. I believe the country is hopeful now, and glad that the work has been commenced. The progress which has been made with the construction of the line has been extraordinary, and beyond the expectations of the most sanguine. All this proves the wisdom of the policy of the Government. Not only that, but the imigration into this country has been unprecedentedly large, owing to the opening up of the North West, while the cost *per capita* of bringing emigrants into the country has been very small, only $3. Seven or eight years ago, when the late administration was in power, it was eight or ten times as large as it is now.

With respect to the laws regulating the franchise, I do not know what the promised measure is to be, but of one thing I am convinced, that Parliament alone should have the power of declaring the conditions on which its members should be elected. This is a question which should have been dealt with long ago; it was never brought up until now, and it is high time that a measure should be submitted dealing with the subject. On this point, I should think there could be no diversity of opinion.

As regards the license law, I was one of those who opposed the measure introduced by the leader of the Opposition at the time when he was the leader of the Government in this House. I was strongly impressed then with the idea that we should not interfere with the subject, but that it should be left to the Provinces to regulate it. That we have a constitutional right to deal with the matter is evident from the act which the leader of the Op-

position brought into the House; and no doubt every hon. gentleman who has read the decision in Russell *vs.* the Queen, decided last June by the Judicial Committee of the Privy Council, believes that it is necessary and that it is incumbent on this Parliament to restrain any abuse arising from the sale of intoxicating liquors since the Legislatures can only license for revenue purposes. In view of the decision of the Privy Council, I consider this legislation necessary, and, much as I was opposed in former sessions to this Parliament dealing with the matter, I believe, that the time for action has now come.

I am glad, as a member of Nova Scotia, to learn that the Intercolonial Railway is no longer a burden on the Dominion; that it not only pays current expenses, but has yielded a surplus of about $9,000.00 during the past year. Not only has the traffic largely increased, but the revenue has also grown while the rates charged on the line have been diminished. Going back to 1878, I remember, there were in this House, certain hon. gentlemen—I see some of them before me now—who condemned that railway and censured the management of it. At that time there was a deficit of, I think, half a million dollars. I am very glad that we, from the Lower Provinces, can now feel that this railway is no longer a burden on the Dominion, and that instead of being a source of taxation to the country, it has, under able management, become a source of revenue.

There is one subject to which the hon. member from Halifax, (Mr. Power), referred—the sugar refineries. I remember the time when there was a great deal of talk about "bloated manufacturers," and when the Government was charged with building up monopolies at the expense of the country. I do not know but that my hon. friend himself was of that mind, and I am glad to find by his remarks of yesterday, that he takes a different view of the question now—that he has discovered that competition has brought down prices and the people are paying no more now, for those necessaries of life, than they did before the National Policy was inaugurated. The cry now, instead of being directed against the "bloated manufacturers coining money at the expense of the people" is, that the manufacturers are not reaping fair returns for their investments. The hon. gentleman refered to the sugar refineries in order to prove that the policy of the Government had failed, but he should bear in mind that these enterprises require, in addition to large capital, special skill and careful management, to make them profitable. I regret that these refineries are not paying as large dividends as those who are interested in them anticipated, but it ill becomes those who opposed the National Policy, and raised an outcry against manufacturers, to complain now of the ill success which may have attended any branch of manufacturing industry.

HON. MR. NELSON—Before the close of the debate, I deem it my duty, from the prominent reference which has been made to His Excellency's visit to British Columbia, to say something on that point: I do not intend to enter into the subject generally, or to review the Address in any way; I leave that for more experienced members than myself. I wish to express the gratification which the people of British Columbia felt when His Excellency and the Princess Louise visited the Province, and more particularly because in the late Address from the Throne, at the meeting of the local legislature, no mention has been made of their visit. I feel assured that the omission was an oversight. It certainly could not have been intentional in any way. I know from the character of the gentlemen who form the Government there, that such an omission could not have been intentional, and you all know that the Lieut.-Governor, who was a member of this House, and favorably known while he was a Senator, would have had the matter made right, if it had been the result of anything more than oversight. His Excellency, I may say, during his stay in British Columbia, visited as much of the Province as he possibly could, and arrived at certain conclusions with regard to its resources; but there was a great portion of British Columbia which he could not visit, from the absence of means of communication.

There is another matter to which I wish to refer: In speaking of the general welfare of the Dominion, and the great progress which has been made, I must mention the rapid advance which British Columbia has made of late. During the last half year, the revenues from

customs and excise alone, I believe will amount to something over $ 600,000, or almost double the amount of the whole revenue of that country for an entire year at the time we entered the confederation. That, hon. gentlemen will say, is due to railway construction in British Columbia and to the importation of necessaries for that great work, but I have to point out as well, that although our revenue has increased very largely in consequence of our tremendous imports, still, during the last year in British Columbia the exports were to the extent of something like $1,200,000, in excess of our imports, showing that, independent of railway construction in the Province, our progress has been very great.

I am glad to see that it is the intention of the Government to open up the railway lands for settlement, not only in British Columbia, but in other parts of the North-West. I must say the reservation of those lands in British Columbia, more particularly on the Island, has been productive of a great deal of harm to the Province. People who have come there to settle, finding those lands locked up, have been driven, in many cases, across the border, and have settled in Washington Territory. It is a subject that the members from British Columbia coming to the session of Parliament felt called upon to urge particularly on the Government—that they should open up those lands for settlement. I am very glad to see that that intention is foreshadowed in the Speech from the Throne.

Hon. Mr. HAYTHORNE—No doubt it is exceedingly gratifying to the rulers of any free people to be able to meet the representatives of the people in Parliament, and to announce to them that universal peace and prosperity prevail; still I think that some little caution should be used in adopting language of that nature, because in so wide an area as appertains to this Dominion, it may well be that provinces, or parts of provinces, may not share in that general prosperity, and the inhabitants of those less prosperous portions of the country may feel themselves rather ignored in the midst of the general prosperity, and feel somewhat hard that their rulers have not perceived that they are in less favored circumstances than their brethern. Such, to a certain extent, has been very much the case in the province with which I am connected. During the past season, the seed time was unuasually late and wet. Hon. gentlemen may perhaps be surprised to hear me state that large portions of the seed sown in Prince Edward Island last year were not committed to the ground until late in June—in fact, not earlier than thirteen or fourteen days from midsummer. Of course the return could not be as large, under such circumstances, as usual, and the consequence was a less bountiful harvest than is generally reaped. It is quite true that the season, in many instances, has quite outdone our expectations; farmers who were despondent in the spring received bountiful returns in the fall, but as a general rule the principal grain fields of our Province were less productive than usual, and of course considerable inconvenience is felt in consequence. The farmers are importers of flour to a considerable extent, and large portions of the oat crop is not of the kind which is fit for exportation. I therefore conclude that it would be more wise to use less general and sweeping assertions, than this with which the speech from the Throne opens.

There are three clauses in this Address which I shall refer to very briefly. I do not wish to offer any criticisms upon what may possibly be the contents of the measures which are foreshadowed in these three clauses. There is this much about them, that all three (6, 7, and 8,) interfere more or less with the principle of provincial rights. In former sessions we have had examples of that. The election laws and the licensing system have always been under the control of the local legislatures. No later than last session hon. gentlemen will remember that when an hon. member of the Government who is not at present in this House, and who has retired to another sphere of usefulness, introduced a measure to regulate factory labor, he was met by the hon. Senator from Amherst with the assertion that such legislation would be *ultra vires*. Now if it should so happen that in these three instances the Government are about to introduce measures which will interfere with Provincial rights, it seems not altogether improbable that the peace,—at all events of Parliament—may be somewhat interfered with. It is not my intention go at any length into a discussion of the

Address. I rose more for the purpose of directing the attention of the Government to matters of provincial interest, than to make a general criticism of the Address. I see that in the 11th clause reference is made to the Intercolonial Railway and congratulations are claimed that the traffic on that road, and its profits also, are greatly increased. I am exceedingly glad to hear this, but I think it is much more important that its traffic should be enlarged than that its profits should be increased. The main point on a national road of that sort is to make the people use it largely, and if incidentally the profits are large enough to cover the expenditure, we may congratulate ourselves upon it. What I wish to do is to draw attention to one source from which the traffic of the Intercolonial Railway might be still further increased, and that is the traffic (particularly in winter) of Prince Edward Island. I regret to say that no measure—even those measures which were promised to us last session, for the improvement of our winter transit from the Island Province to the mainland, had been carried into effect. This is, I think, the more to be regretted, because I, in common with other representatives of Prince Edward Island, never, perhaps, left this Capital for home more fully persuaded that a beginning was about to be made to carry out the terms of Confederation, which had been before us for so many years, than last year. I candidly admit I was met last year on the floor of this House, when I called the attention of the Senate to the subject, in a most straightforward manner by the hon. gentleman who leads the Government in this House, and from his manner on that occasion, and from what occurred afterwards in making appropriations for the building of branch lines of railway in Prince Edward Island, and other engagements which the Ministry had entered into for the purpose of facilitating winter traffic between Prince Edward Island and the mainland, I, and I think most of my countrymen also, anticipated we had seen the last of the old system, and when this winter, which is now upon us came on, we should find several improvements on the system which had prevailed for so many years. We were unfortunately disappointed, and I think I should hardly have risen to my feet on this occasion if it had not been for the purpose of attempting to draw from the hon. leader of the Government, in this House some statement of their intentions in the future, and some explanation of the cause why those improvements so long promised and so long expected were not, at all events commenced, during the last season. It is quite undeniable—it has been admitted on all hands, that the terms on which our Province entered the union are indisputable, clear and precise—quite as clear and precise as those on which British Columbia entered the confederation. For many years British Columbia, had to wait, and it was perhaps almost as impossible then to carry the terms agreed upon literally into effect, as it may have been sometimes to carry out the terms of confederation with Prince Edward Island; but British Columbia did not sit down hopeless and helpless. Her members always agitated for the bill, the whole bill, and nothing but the bill, and ultimately we have seen the success which is attending their efforts. It may be urged that the fulfilment of the terms of union with Prince Edward Island is altogether a physical impossibility. I am not going to urge or advocate the attempting of any such impossibility. What I say is that it may be at present our means or appliances are inadequate to keep ice-bound harbors open during the winter, but I say the time may come,—it may be nearer than we suppose,—when our improved knowledge of science may enable us to devise means of which we have no idea now, or discover new forces, or new appliances of old forces, by means of which one of the great problems of this Dominion—the opening of ice-bound harbors—may be set at rest.

With such a climate as this Dominion possesses it is a question of very lively importance to other parts of the Dominion as well as Prince Edward Island, and I say further, that the attempts that have been made, and which have failed in this respect, must simply be regarded as experiments. In the case of British Columbia, for instance, I think something like three millions of dollars were spent in surveys on a projected railroad. Of course it was not all spent in British Columbia, but it was all spent with a view to the commencement of the Pacific Railway. The "Northern Light" was an ex-

periment of the same kind, and her success was only partial, but it may lead to further and greater success some day or other. For my part I am prepared to wait, but I do think I have the right, in the meantime, to demand that the Government should treat our Province as they would treat any other Province in the Dominion; that they should regard the mail service of Prince Edward Island just the same as they regard the mail service of Ontario or Quebec, and provide the means for carrying out those necessary improvements, as they would do for anywhere else. I remember last year the Minister of Justice fairly and candidly admitted that the carriage of mails and passengers was not a question pertaining to one particular Province, but was of equal importance to all those with whom we traded. Now a special promise, which was made to the Province of Prince Edward Island last year, was that a branch railway should be built from our trunk line to the cape whence our crossing of the Straits commences, and an appropriation was taken for that purpose. That branch railway has not been commenced; ground has not been broken for it. It was further promised that improvements should be made in the winter passage of the Straits—that provision should be made for improving the boat service, and for assisting the ice boats with heavy and properly manned row boats. Now, these are, comparatively speaking, trivial matters, and yet they make all the difference between crossing promptly and remaining on the other side. I saw an instance a few days ago where, if a properly manned row-boat had been provided at Cape Tormentine, the mails could have crossed promptly; as it was they had to remain two days on the Island side. If these improvements were taken in hand and carried out, it would show a desire and a determination on the part of the Dominion Government to assist the people of Prince Edward Island, and they would feel that their wants and wishes were known and appreciated by the Dominion Government. If the members of the Government will allow me to state it from my place in the House, I would say, what is wanted is a live man on that shore, with full authority and *carte blanche* to carry out the measures, which are necessary for improving this route. To remit this sort of improvement to officials outside whose regular duty it is, is simply to postpone it. The official naturally seeks to carry out Dominion improvements of that sort on as reasonable an outlay as possible. This is not the sort of thing to economise on; lives and property are at stake, and it would be exceedingly rash to risk human life and the mails of the country for the sake of spending a few dollars. Give us a live man with good administrative ability, and give him *carte blanche* to carry out his views. Allow me to state my experience of the last fortnight of the result of this want of proper communication with our Province. I attended a public meeting the other day held some seven or eight miles from the Straits, and I was vexed and annoyed to find the amount of ill-feeling which was creeping over men's minds with regard to our connection with the Dominion, and chiefly on account of inattention on the part of the Government to those trivial matters. Men were saying "give us our terms, or cut us adrift; let us be as we were when we were independent." That is the feeling which exists, and which will continue until the Government of this great country displays an earnest desire to meet with the wishes of the people of our Province. I thank the House for listening to me so patiently; but, as I said, I cannot but feel, though the subject is well worn, it is still of so much importance and creates so much feeling in my part of the Dominion, that I would not perform my duty if I did not stand up here and advocate these necessary matters.

Hon. Mr. GIRARD—It seems to me that there is a duty on an occasion like this, especially for those representing the smaller Provinces of the Dominion, to express themselves upon the Speech of our gracious Queen, and to aid in shewing the progress and prosperity existing in every part of the Dominion; and I am also happy to be able to appear before this House and tell hon. gentlemen about me, that Manitoba, although a new Province, is not the least in that progress. It has probably been known in the different parts of the Dominion that dissatisfaction existed there at a certain time, and while I admit that such a feeling did exist, it was not

shared by the people generally, but was due to the peculiar and private interests of a certain association which had certain chartered rights and they expected to make their profit out of such business as they were empowered to transact. These people, when they could not go on with their business, were naturally dissatisfied, but the people generally, were satisfied with the action of the Government. They approved of what had been done, and I may say without any hesitation that they are satisfied with that great institution, the Canadian Pacific Railway Company, which is completing the road, as was said yesterday by the Premier of the Government, without any expense to the Dominion. Some years ago I believe it was thought that that great undertaking could not be brought to a successful issue, but there is no doubt now that it will be carried on and completed, and that too without entailing any expense upon this country. Further, it is my impression that there will be a large profit in the transaction, and we confidently look forward to the time when we shall see the wealth of the Dominion going over our own road from the Atlantic to the Pacific. I rejoice to see the prosperity which is so general, and we are thankful to the Government and also to the Canadian Pacific Railway Co., for what has been done amongst us. That Company are a trading corporation, and no doubt they look first at what may be profitable to themselves, but at the same time they are carrying progress, prosperity and wealth to all the different quarters to which the road extends. Allusion has been made to the happy results of the visit to British Columbia of His Excellency the Governor-General, and Her Royal Highness the Princess Louise, and to the future beneficial results to spring from it. I have no hesitation in saying that I believe the consequences of that visit will be most advantageous to British Columbia, because the results of their visit to Manitoba have been greatly to increase and add to our prosperity and progress. Since that visit a large number of immigrants have come to us from the old country—from Europe—and have settled in Manitoba, and I do not think it can be denied that many of those people have left their homes in the older country upon the assurances conveyed in the expressions of the Governor-General that they might emigrate to this country without risk and with much advantage. I shall take the liberty of telling hon. gentlemen what was my feeling yesterday when the Address was proposed. The hon. mover of the Address came from the same parish as myself, and I remember that in 1872, I had the honor of taking the first step in this House and proposed the Address. I felt proud of Varennes. The same name has been given to a portion of what is just now part of the district in dispute between the Provinces of Manitoba and Ontario. It is a very important county, and I am glad to see what they have been able to do there already. I think that county will, before long, form part of the Province of Manitoba, and I think the Government will succeed in arriving at an amicable agreement with the authorities in Ontario, and that the County of Varennes will be then the link between the east and west of the Dominion. There are many points in the Speech from the Throne which have my full concurrence; but there is one especially to which I would call the attention of the House,—that is that part of the Speech in reference to the trade in liquor throughout the Dominion. It is true that difficulties exist, but I am sure no hon. gentleman will see, without a feeling of pain, the consequences of the traffic in various localities. I know I live in a country where such consequences are bitterly felt, and while it is not due to the people living there, it is a fact that often strangers come among us and getting discouraged, not knowing what to do, they go to the tavern and drink up all they may have brought to the country, and finally become a burden upon society there. This is not right, and if the authority rests with the Provincial Legislature it must necessarily be by delegation from the federal authorities; and if the federal authorities can legislate for the life of the people living under their control, it seems to me that they must have authority to act in the same way in all that affects that subject. I feel, looking at the question in that way, that all these provisions should be repealed, and at the same time that some legislation should be adopted to protect society in that direction. For my part I would feel a natural anxiety to do

all in my power to help—not the temperance societies alone—but it seems to me that it is possible to protect the people by the introduction of certain measures which would render the trade in liquor more difficult than it is to-day, either by a change in the duty paid upon liquors, or some other prohibitive measure. When the proper time comes we shall have an opportunity of expressing our views on this point, and I certainly think there is nothing which calls for the action of the Government more than this subject.

We are promised a measure for the assimilation of the laws affecting the electoral lists, and I thoroughly approve of such a step, assimilation of the laws being most desirable in my judgment. It is true that we number different Provinces in this Dominion, but at the same time there should be but one statute book for the whole Confederation; we should find there what is fitting and proper for Prince Edward Island, should provide for the needs and wants of Manitoba and British Columbia; therefore I welcome the measure promised by the Government on that point. I shall not continue my remarks at any greater length at present, but I certainly am pleased to see that, although the Speech is not very long, it promises a number of different projects by which not only our persons but our property will be protected; and under these circumstances I give my full concurrence to its adoption.

HON. MR. TRUDEL—I did not intend to address the House upon the subject of the Address, but the question raised by my hon. friend from DeLanaudière (Mr. Bellerose) is of such importance that I think a few words should be said by me in the same direction. It is hardly necessary that we should repeat again and again how unpleasant it is for us to come here year after year, and enter a protest, always the same, against what we consider to be a grievance. At present I only propose to read, with the permission of the House, a letter which I had the honor to address to the Hon. the Prime Minister of the Dominion, on the occasion of the last ministerial changes, that is, in July last. As everybody knows, the French language is the official language in the Confederation as well as the English, and yet we are put in one or other of the following dilemmas. Either this language is not of sufficient importance to be officially represented here in the Senate—the first House of the Dominion—either this language is not deemed worthy of being represented here on the treasury benches; or, on the other side, the Senate is not worth having representation in both official languages of the Dominion. We can hardly escape from one or other of these dilemmas, but it is my opinion that we ought not to admit either the one or the other. I may say here that, when I had the honor to submit to the Premier the letter which I shall shortly read, I reserved to myself the right to place my views before the public upon the first opportunity, but in fact I did not intend to read them now; I think, however, that the position taken by hon. gentlemen on the other side obliges me to quote these expressions, which reflect my opinion of the matter. I must apologise in advance to the House if I take up some time in reading the letter, which is as follows:—

* * * * When Confederation took place, the Province of Quebec consented to accept the present basis of representation in the House of Commons—to wit, representation based on population—against which she had fought with so much energy, under its leaders Sir J. A. Macdonald and Sir G. E. Cartier, on the express condition only, that the equilibrium between the different Provinces thus broken in the Commons, would be, to a certain extent, re-established by the Senate.

This was not a simple matter of form, it was understood that the Senate would present an efficient counterpoise, sufficient to secure to the less populous Provinces, particularly to the Province of Quebec, the complete integrity of their rights.

For twenty years the question of representation based on population having been the burning and vital question, Quebec could not consent to abandon the fruit of a twenty years struggle and stultify herself to the extent of accepting without reserve, without any guarantee, without restriction, without striking a single blow, a state of things which for twenty years our first statesmen had pronounced to be the death blow to our nationality and the ruin of our Province.

Therefore, the Senate was to be, for the Province of Quebec, as well as the group of the Maritime Provinces, the legislative body on which they could particularly depend for the safe-keeping of their rights; for, in the Senate alone they were to be on an equal footing with the powerful Province of Ontario. They were thus highly interested in maintaining to that body its full strength and prestige, and could not countenance its abdicating any power or prerogative; for so soon

as it became inferior in any respect to the House of Commons, it would no longer be in a position to counteract its influence and would consequently fail in the task of maintaining the rights of the Provinces of lesser population.

It is, therefore, quite natural that Quebec should attend with the greatest care, not only to the maintenance of the Upper House, but equally to the entire preservation of its prestige, its power and its efficiency, and this for four distinct reasons.

1. The first is one of constitutional rights. Proud of living under the British Constitution, what we want is not a mock constitution or the shadow of a British Constitution, we must have the British Constitution in all its excellency. *The essence of that Constitution, the primordial principle on which it is based, is the perfect equality of powers, or the perfect equilibrium* between the Monarchical, Aristocratic and Democratical forces.

But we perceive, to our regret, that every day the Senate is losing a portion of its influence, its prestige, its authority, in short, its power, whilst the House of Commons assumes the power thus lost by the Senate. In this country, even more than in England, the character of British institutions is being more and more altered and defaced, to such an extent, that we can repeat with some truth Lord Beaconsfield's saying relative to England:—"That democratical tendencies are "such that the popular branch of Parliament "is superseding the two others to such an "extent that the essential character of the "British Constitution is disappearing."

In Canada, the power and influence is fast disappearing of the Senate, which, of the three branches, is chiefly our safe-guard, and to whose strength were entrusted our dearest interests.

At the origin of Confederation the Senate had, together with the House of Commons, a considerable proportion of administrative influence. At that time so many as five Ministers were chosen from the Senate. And if we consider in what proportion, in England, the different Ministers, even liberal, recruited their members from the House of Lords, it will be seen that our Senate there furnished nothing but its fair quantity. And let it be remembered that my pretention cannot be repudiated on the plea that it is too anti-democratical, for it perfectly agrees even with the views of the very founders of the famous United States Republic—of John Adams, amongst others—who, although devoted adherents to the republican system, thought it best to secure their young republic against the extreme tendencies of democracy—by recommending to adopt that perfect balance of powers which is the characteristic of the British Constitution.

The second reason is one of right of nations (*Droit des gens*). The federal pact made by Provinces, each of which preserves in a large degree its peculiar autonomy, partakes to a certain extent of the nature of a treaty between independent nations.

Thus, we accepted Confederation on the express condition that our Senate would establish a perfect equilibrium between Ontario, Quebec and the group of Maritime Provinces; on that condition and *on that condition only* we consented to form part of the Confederacy. England most scrupulously respected the fact in question. Not a single change has been made to the dispositions adopted by the conference held in Quebec. The Imperial Parliament recognized in it the character of a solemn treaty between nations. The collosal power of the Metropolis, the Crown, and the British Parliament bowed religiously in the name of sworn faith, to the solemn compact between the contracting parties.

The third reason is one of Provincial interest. Ontario on the one side, Quebec on the other, and the group of Maritime Provinces as third party to the treaty, had stipulated absolute equality between themselves in the Senate. There, perfect equilibrium was to exist between the three groups.

Well! this equilibrium has long since been broken! So soon as Ontario alone had three Ministers chosen in the Senate, whilst the other groups had not the slightest share in the Ministerial patronage, it may be said that from that moment, Ontario's influence was doubled in the Upper House. There is no need of insisting on this point, it being self-evident that on every important question. Ontario's 24 members, having amongst them three Ministers and the full weight of administrative influence, the full prestige and force given by the distribution of patronage of the highest situations, &c., &c., in a country where unfortunately situation-hunting plays such a prominent part, it is evident I say that Ontario's 24 members are at least twice as strong as 24 members of Quebec, deprived of every advantage of the same nature. Ontario already possessing in the Commons a preponderating influence, in consequence of a deputation superior in number by one-third, also enjoys now in the Senate an equally preponderating influence, double at least that of Quebec. Once again, what has therefore become of the proposed equilibrium? Where is that perfect equality promised which was by a solemn and sacred compact?

The fourth reason is one of nationality. One of the parties to that federal compact was not only a Province, but a distinct nationality, having to protect one and all its national rights—its language, its religion, its customs, its laws and national autonomy. It was perfectly agreed that Confederation, far from attempting to destroy these rights, would recognize them all, respect them all, protect them all! For that very reason, notwithstanding the majority in number, in spite of the fact that the English language was spoken by the majority of Provinces as by the majority of the population, the French language was placed on a perfectly equal footing with the English language in the Confederacy. Both were to be similarly the official languages of Canada. French being an official language, not only on the Throne,

from which every communication reaches us in French as well as English, not only in the House of Commons, but also in the Senate, it naturally followed that the French language had a right to representation on the treasury benches of the Senate.

What are the principal functions of a House of Parliament? Do they not consist (1st) in discussing the Government's policy, (2nd) in expressing a judgment upon its merit, (3rd) in communicating to the Government the demands and wants of the people, as well as their own observations on all matters of public interest, (4th) in receiving for and in the name of the nation the Government's declarations? How can these observations be made to a Government, how can its policy be discussed and judgments pronounced upon it, how can demands be submitted and its communications received in a language having no representative amongst the members of that Government? The absence in the Senate of a French speaking Minister is therefore practically tantamount to the exclusion of the French language from that body. To decide that the Executive will have no French speaking representative in the Senate is therefore practically proclaiming the abolition of the French language in the Senate. It is abolishing one of the two official languages of the Confederation in one of the two Houses of Parliament; nay! in the highest Chamber, in the one whose mission is specially to protect national rights, and which is supposed to maintain the rights of that language against the possible encroachments of the lower House. It is therefore, once more, violating the spirit of the constitution.

In the present state of things five important interests are totally deprived of their right to representatives from the Senate in the Ministry.

1. The provincial interest of Quebec.
2. The national interests of the French Canadians.
3. The Catholic interests.
4. The interest of the French language.
5. The Irish interest.

I may say that this was written before we had the advantage of having Hon. Mr. Smith appointed to the Government.

It is well understood that we are now discussing a question of principle, without in the least intending to cast any disagreeable reflection on the estimable men who have represented the Government in the Senate for the last four years. Indeed we do not intend articulating the slightest complaint in the name of the religious, national or even provincial interests of Quebec, against men who, we are happy to say, are possessed of honorable and broad views, as well as of a spirit of justice—who, we have not the least doubt, are disposed to treat us kindly, and with perfect impartiality; but we wish to affirm the rights of our Province, nationality, religion and language. The excellent disposition and the eminent personal qualities of our honorable colleagues are in the present question accidental facts, which do not give us justice. In one word, we are deprived of that to which we have a right.

I may say, hon. gentlemen, that there is nothing which is so unpleasant for us as to come back to this question, but still the members of this House will easily understand that we are not here to do what is convenient or agreeable to us; we are here to defend what we believe to be sacred rights, and I hope the hon. Ministers of the Crown and members of this body will accept in this sense the few remarks which are contained in the letter I have just read, and generally what we may say on this question. I may recognise that for the last few months the Ministry has shewn a desire to render us justice, by appointing to the Senate men who are not only a credit to this body, but who will put the Senate in a position to do that justice to us which we have been claiming during the past four years.

Hon. Mr. MASSON.—With a great deal that has been said by the hon. gentleman who has just taken his seat I fully concur. In a Confederation such as ours, I think that the French element should as far as possible be represented in both branches of Parliament, and as I have taken the greatest share of responsibility in the formation of the French section of the Cabinet, I trust the hon. Minister of Justice will allow me to take that responsibility at the present moment. I fully believe that we should be entitled to the free use of our language, and the fact that we are entitled to the free use of our language would force the conclusion—which is not an extreme one—that we should be understood in our language, that we should be understood by the Speaker who rules over us, and that we should be understood by the Ministers who answer for us; but I think that beyond that it would be unreasonable to push our requirements,—to require for instance that, under any circumstances, whether you do good to the country or whether you do not, that you must have one Minister in this House

speaking the French language, and three in the House of Commons.

I say it is a matter of perfect indifference to this country whether there is a French Canadian Member of this House in the Cabinet or not, or whether there should be two members here and two in the other House, or one here and three in the Commons; all that we can require is that our language should be respected, and understood, and that as a nationality a fair share of influence should be afforded us. I have of late years studied this question and I have failed to see yet that the influence of the French Canadian element has been diminished in this Senate, because there is not in the Government one of its members speaking the French language as his mother tongue. We have an hon. gentleman presiding over the deliberations of this House who speaks French fluently and who can decide any question of order in our language when we require it, and we have a Minister who can answer the hon. gentleman from DeLanaudière in his own tongue on any public question, if he requires it. But it is a singular coincidence that the two hon. gentlemen who have taken it upon themselves to vindicate the rights of the French element in this House have both addressed the Senate in English. Why have they not been consistent in asserting the rights of the French Canadian people by speaking their language when addressing Parliament? I may say that I am primarily responsible for the formation of the French section of the Adminstration in 1878. When I arrived from Europe, Sir John Macdonald asked me to take charge of the formation of the French section of the Cabinet. I knew, as every man knows who has had experience in the formation of governments in this country, that I had a hard task before me. I had not to consider whether the Senate or the House of Commons should be particularly represented, or how they should be represented in the Cabinet, but I had to weigh carefully what was best in the interest of the whole Dominion, in deciding who were the men who should be called upon to form the Administration. I do not pretend to say that there are not gentlemen in this House who might well be called on to take a seat in the Government. I think there are gentlemen speaking the French language in this House, fully capable of forming part of that Adminstration, but under the circumstances I had to act for the best, and I think that in the recommendations I made to my hon. leader I have met the wishes of the country, and I have the best proof of that, by the general approbation we received both in this House, and in the House of Commons while I held a seat there as a Minister of the Crown. The popularity of the Government we formed has been increasing steadily since then, and if the course I took on that occasion—and I wish to take the full responsibility for it—had been unfair to the French Canadian element in this country, does the hon. gentleman imagine that we would have been returned with the overwhelming majority we received at the last general election? The hon. gentleman knows that we are now as powerful in this country as we have ever been since the last change of Government. I think no hon. gentleman will claim that we have had more than a fair share in the Government of this country, but if the hon. member from DeLanaudiere looks back over the history of the Dominion for the past few years I will ask him whether the French element, since the Conservative Government has been formed, has not had its fair share of influence, and whether we have not been treated as we should have been? I can tell the hon. gentleman this, that the country at large feel that in the Government I assisted to form, we have selected men who have been able to benefit the Dominion, and I am ready to abide by the verdict of the people as to whether we, as Ministers of the Crown, deserved the confidence and support of the French population of this country. As I said before I would have preferred, and still would prefer, and those who succeeded me in the Government would still prefer, to have an hon. member in this House representing the French element in the Cabinet. I do not know the reason why they have not appointed one; I cannot speak for them, I can only speak for myself, and the only explanation I am at liberty to give as to why the Government did not offer a seat to a French member of the Senate is that after having carefully weighed all the circumstances before them, they believed that the Gov-

ernment as we formed it was, on the whole, the best in the public interest and the verdict of the people has not disapproved them.

Hon. Sir ALEX. CAMPBELL.—I am very glad to have the presence in this House of the hon. gentleman who has just spoken, as he has saved me, to a great extent, from having to answer the remarks of the hon. gentlemen from DeLanaudière and DeSalaberry on the subject that has formed the principal portion of the discussion this afternoon. That complaint has been made time and again in this House, and we know that the hon. gentlemen who make it believe at all events that justice has not been done to the French Canadian race. I will not go further into the discussion upon the general subject of the representatives in this House, of that element having a member in the Government, because on previous occasions I have gone at length into the question, and have taken very much the ground which the hon. gentleman from Mille Isles has taken now, that this Government, and all governments would be very glad to have a representative of the French race in this House in the Cabinet. It cannot be otherwise; no matter who may constitute the Government, their desire is to stand well with both Houses. That is clearly the object of the person charged with the duty of forming a government, as it was the duty of the gentleman who was charged with the formation of the Government on that occasion, and no matter under what circumstances, or who would be asked to join an administration, it would be his object, as it is the object of every Government, to stand well with both Houses; and of course, other things being equal, he would be very glad to have a representative of both races in this House. But the question did not arise to-day for the first time; it was raised in a previous session in reference to the position occupied by the hon. the Speaker of this House, when the hon. gentleman opposite complained that the rule which he said had always existed since Confederation had not been followed. That rule he laid down to be this; that where there was a French Canadian speaker in the other House there should be an English speaker in this House and *vice versa*.

Hon. Mr. TRUDEL.—There is nothing of the kind.

Hon. Sir ALEX. CAMPBELL.—No, I think it was the hon. gentleman from DeLanaudiere who made the statement, and while the hon. gentleman knows very well that he has my sympathy with him in his desire to have a French-speaking member of this House in the Cabinet, I ask him if he did not push that rather farther than he intended, because if my hon. friend will reflect on what took place during the term of the last Government he will find that that rule did not hold then; he will remember that we had an English speaker in the lower House in the person of Mr. Anglin, and in this House we had the Hon. Mr. Christie. No such rule held good then for five years. Does my hon. friend forget also that the first Speaker of this House was a French Canadian? And the second Speaker was also a French Canadian, yet nobody on the floor of this House, of those who are now here or of the many members who are not now here (and we deplore their loss) complained then that the Speaker was a French Canadian. I forget whether the Speaker was elected then or not, but when Mr. Chauveau presented his commission from the Governor-General and took his seat here as Speaker, and when he was followed by Mr. Cauchon, not one word was said; and no English-speaking member had any idea that there was any wrong done by there being two French speakers appointed to this House in succession. Does he forget also that the race which he represents, and which we all respect and honor—that that race is throughout the Dominion as only one to five of the whole population. The population of the country may be a little over five millions, of which only one million are French Canadians; how then does the hon. gentlemen lay down the proposition that the speakership of this House and of the other House must alternate between French and English representatives? We do not want to discuss it on that ground, but if it comes to discussing it from that standpoint, would it be fair that the Speaker of this House and of the other House should alternate between English and French? If it were

to be on the basis of population they could only claim that every third or fourth speaker should be a French Canadian. Those considerations, I am sure, have been forgotten by the hon. gentlemen, and I desire to bring them forward not in any spirit of hostility to the object which he may have in view, or which the hon. gentlemen from DeSalaberry may have in view, but merely as staing a fact, that we are at all times willing to see those gentlemen fairly represented on the floor of this House and in the Government of the Dominion, and to show that there is a wish to give them a fair representation. How is it possible that a Province represented by sixty-five members in the popular branch of the legislature, and which has great influence in the Commons should be slighted by the Government; it is an element which every Government must consider for its own peace and for its own safety, and must not be neglected. It is idle to say that they are neglected; it is utterly impossible that any Government on this side of politics or on that side of politics can overlook that energetic, intelligent, and strong-minded people.

I hope my hon. friends from the Province of Quebec, will believe that as far as this Government is concerned, nothing would give them greater pleasure, and personally nobody could derive more satisfaction and comfort and assistance, than I could, in having in this House, a French Canadian colleague, who would address the French members in their own language, and I am sure that I quite speak the sentiments of my colleagues when I say that if other things permitted, nothing would give us greater pleasure than to have a French Canadian member of this House in the Government.

I desire also to say this in replying to the remarks made in reference to the hon. gentleman who presides over this House as Speaker, that that hon. gentleman occupies his seat at the earnest instance of his colleagues during the present Parliament. The House will bear in mind that during the four years of the existence of the previous Parliament, for the first session of this House, the chair was occupied by the hon. Mr. Wilmot. During the second session, the hon. gentleman who now occupies the chair was, unhappily ill, and his place was filled for the time being by the hon. gentleman who now sits behind me (Mr. Botsford,) and it is only during the last two sessions that we have had the advantage of the commanding presence and the dignity of demeanor of the hon. gentleman who so worthily fills the chair. But it is not only in reference to the services the hon. gentleman has rendered the country in presiding over this House, but more particularly in reference to his services in the capacity with which he has for some time past presided over the Department of the Interior, that we were so anxious to see him continue his position as Speaker of this House. That is our feeling, and I hope that is the feeling of the Senate generally, and that the House does not participate in the criticism of the hon. gentleman from DeLanaudiere, for I do not think he intended it in that light, and I hope that every member in this House is glad to welcome the hon. gentleman again as their Speaker.

The hon. gentleman who leads the Opposition paid a tribute, which I heartily join in, to the mover and seconder of the Address. The duty which they have discharged, and discharged so well, is one that is supposed by many to be very easy and simple, but it is not my opinion. It has always seemed to me to be a very difficult duty, and when it has been discharged so successfully as it has been on the present occasion, it is always worthy of the tribute which the hon. leader of the Opposition has paid, and in which I heartily concur.

The hon. gentleman criticised that part of the Speech which says that the country is prosperous and contented, and that commerce and immigration are increasing, and so on, and apparently almost regretted that he did not find that we attributed those great advantages to our own exertions. Could my hon. friend have found any paragraph that would have carried with it the impression that the Government assumed that they had of themselves brought about all those advantages, no doubt he would have been more contented than he is at present. The Government are not so foolish as to lay claim to being the cause of all the prosperity which is undoubtedly to be found at present throughout the length and breadth of the Dominion, for the country, perhaps with a few exceptions

which we are sorry to hear of from the hon. gentleman from Prince Edward Island, and from the hon. gentleman from Halifax, is prosperous. The consensus of opinion in this House and in the other branch of the Legislature, and the general feeling is, undoubtedly that there is prosperity displayed all over the country. That we are indebted to a kind Providence for that, nobody is more willing to acknowledge than the Government; all that we claim credit for is that we were not idle—that we did what we could. We were not content with the philosophy which seemed to content the hon. gentleman and his colleagues when they were in office; we thought something could be done, and we did everything that we could do to deserve the blessings of Divine Providence, and we have certainly the satisfaction of knowing that there has been a state of prosperity brought about which we are now enjoying—which they failed to bring about, at all events, during the time they held office. Now, with reference to the remarks that my hon. friend has made regarding the subject of the liquor law I quite admit that on that subject nobody in this House or in the other House is entitled to speak with more authority. The hon. gentleman has missed the paragraph on which it is based. The judgment to which he alluded is based on this, and I think I can put it to the House in a few words: the British North America Act gives to the Local Government the power to deal with shop, tavern and auction licenses for the purpose of raising a revenue. It is a well understood rule in law that when you express an object of that kind you exclude all other objects; that is the rule upon which every lawyer relies for the construction of such a phrase as that, and therefore when you find that in this section of the Act the jurisdiction over the subjects of shop, saloon, tavern, auction and other licenses is given to the Local Legislature only for one purpose, the inference is that it is not given to them for any other purpose. That is the view which it presented to the Court upon the occasion to which my hon. friend refers, and it was only in reference to that case that the judgment was pronounced which he has quoted, and which I propose to quote a word or two from also. It is with reference to that view that the learned Court used this language:—

"With regard to the first of the classes, No. 9, it is to be observed that the power of granting licenses is not assigned to the Provincial Legislatures for the purpose of regulating trade, but 'in order to the raising of a revenue for provincial, local, or municipal purposes.'

The Act in question is not a fiscal law; it is not a law for raising reveuue; on the contrary, the effect of it may be to destroy or diminish revenue, indeed it was a main objection to the Act that in the city of Fredericton it did in point of fact diminish the sources of municipal revenue. It is evident, therefore, that the matter of the Act is not within the class of subject No. 9, and consequently that it could not have been passed by the Provincial Legislature by virtue of any authority conferred upon it by that sub-section."

Now that fact is elaborated in another judgment given by the Court, and the question is presented very strongly indeed, and the doubt is entertained by legal minds very gravely, whether or not the strict construction of the act is not the one which I have mentioned—that for all other purposes than the one of raising a revenue, that subject is under the jurisdiction of this Parliament. The hon. gentleman says, "did you ever hear of this point being taken before during the twenty years which have elapsed since Confederation?" I admit that nobody has heard of this point being taken before, but it is only by degrees you can have an interpretation of an act of this kind. I am only amazed that we have got on so well with the construction which has been placed upon the act from time to time; it has been for the most part done by general consent, and I am only surprised that we have had so few discussions, so few differences with reference to the general construction. It is a remarkable thing that during twenty years so many points have been settled in accord and so few have formed the subject of litigation. The Government will not allow the hon. gentleman opposite to take to himself the sole credit for being in favor of temperance and sobriety. We, also, are in favor of temperance and sobriety, but the difficulty is this—on this point the question arises, and has arisen—who is armed with authority to deal with this subject? Supposing that at this moment anyone established a tavern in Ottawa and refused to take out a license from the Local Government, but was willing to tender the sum they were entitled to—in the view of many lawyers as able as the hon. gentleman, he

would have the right to do that, and there would be no law to interfere with him, as to the number of his rooms or his requiring any qualifications, and no law to interfere with his having any sort of a house he pleased, providing he did not violate the municipal law about keeping a disorderly house, &c. Ought not that to be dealt with in the interest of temperance and sobriety? What the hon. gentleman is afraid of is, that any doubt should arise about the power of the local governments to deal with it. We did not raise that doubt; it has arisen in this case which has been decided, and in other cases; and I will say, with reference to its not having been mentioned before, that this view, which has been taken by the Court, about which we are anxious to have some enquiry made, was in the mind of the leader of the Government for some years, and I have heard him mention it for some time past; but as we had yielded without any consideration this question, amongst others, to the local governments, and they had dealt with it, it was not a matter which it was necessary in the interest of the country to bring up, and so long as matters were going on, with legislation believed to be law in the past, it was not worth while to throw doubt on existing supposed laws; but when the question was stated and when the grave decision of the Judicial Committee of the Privy Council apparently throws doubt, and serious doubt, on the right of local legislatures to deal with the subject altogether, then is the time surely for Parliament to step in and solve the doubt; and in order that proper legislation for the same purpose as my hon. friend desires, for the purpose of obtaining sobriety and temperance, in order that safe legislation from the proper authority may be introduced here—if it should turn out to be the proper place—it is with reference to this that this paragraph makes its appearance in the Speech from the Throne.

HON. MR. PLUMB—It was the view held by Mr. Bethune in the Ontario Legislature several years ago, when he was a member of that legislature.

HON. SIR ALEX. CAMPBELL—I am very much obliged to the hon. gentleman for reminding me of that; I had forgotten it. That was the view taken by Mr. Bethune, who, we may say, without meaning anything offensive, is a member of the party to which the hon. gentleman himself belongs. We do not propose to do anything rashly in this matter; we propose to go safely and securely. In mentioning this point, I think it due to the right hon. gentleman at the head of the Government to state that in all these matters he has gone on securely and safely. On every constitutional point which has been raised since confederation it has turned out that he was right, and he has always gone safely and securely.

HON. MR. POWER—No not always.

HON. SIR ALEX. CAMPBELL—I think always, so far as I know. The inquiry will be pursued in such a way as to satisfy everybody that it is safe and prudent—more than safe and prudent, that it is necessary for us to legislate on the subject. I am confident that the inquiry will be pursued in that spirit, and the conclusion arrived at will be one to satisfy the hon. gentleman himself before he is asked to agree to the legislation.

HON. MR. SCOTT—Before my hon. friend leaves that subject, of course the Government have considered what legislation they propose to bring down, and it would be a very great relief to the public mind—I have no doubt to the very large number of people who take an interest in the subject—if he will foreshadow what the legislation is to be. If it is what is indicated in the Address, to legislate for the purpose of regulating the granting of licenses, that is actually the point to which I take exception.

HON. SIR ALEX. CAMPBELL—It is a very ingenious suggestion of the hon. gentleman, but I will not foreshadow this measure, it will speak for itself when it is produced, and we shall be delighted to hear the hon. gentleman's comments upon it. I do not remember any occasion on which the hon. gentleman was anxious to foreshadow the measures he was about to introduce when he was on this side of the House.

HON. MR. SCOTT—The measures are supposed to be ready when they are referred to in the Speech from the Throne.

Hon. Sir ALEX. CAMPBELL—They will be ready in time. The hon. gentleman was not willing to allow us any credit for the prosperity of the country, and we only claim credit in a very secondary degree; nor for the immigration into the country, philosophising, as he often does, upon the general rules which affect the transit of people from one part of the globe to the other—that so many thousand people leave Europe every year, and 75,000 is about our share, and we would get it. That was the policy which his Government pursued upon all other matters excepting immigration. In trade and commerce they always said, "We can do nothing. If Providence proposes to give us prosperity we will submit to it, but we can do nothing ourselves." In immigration they did not take that course. The hon. member for Grandville remembers how we used to attack him—I do not know that I did, but the hon. gentleman now in the Chair attacked his policy, and showed that each immigrant brought into the country by the exertions of the Department over which the hon. Senator (Mr. Pelletier) presided cost the country thirty dollars. The hon. Member for Ottawa did not then say it was a general theory—that so many people left Europe and so many came here. Oh, no! He said, "We have agents here and there, and we have spent so much money endeavoring to get immigrants here." The immigrants coming to Canada now cost us three dollars a head, and we have succeeded where the hon. gentleman's philosophy failed. We prefer to depend on our own exertions rather than on philosophy. That has been the policy of the Government since its formation, to endeavor to do something, and not have loose notions about what the tide of affairs will bring.

Hon. Mr. SCOTT—We could not force the laws which govern those matters.

Hon. Sir ALEX. CAMPBELL—Of course you could not. A great many things we have been able to do you could not do. My hon. friend from Halifax asked to be informed whether or not, when the rolling stock which was on the Intercolonial Railway, and which was injured by accidents, &c., was replaced, the charge for replacing it went to the debit of the revenue account, or to the debit of capital, and I have received this memorandum from the Department of Railways on that subject:—

"All rolling stock purchased to maintain the stock is charged to the revenue; all rolling stock purchased to increase the stock and to provide for increased traffic is, as in the case of all railways, charged to capital."

So my hon. friend will see that in the case of accidents the rolling stock would be charged to revenue, but if the volume of traffic on the road indicated a necessity of increasing the rolling stock, then it would be charged to capital.

My hon. friend from Victoria (Mr. Ryan) asked about the Banking Act which was mentioned in the Speech, and was afraid that a somewhat revolutionary measure might be introduced which might injure that very sensitive thing, capital. My hon. friend and myself have been for many years in the Senate together, and I have never introduced a Bill connected with banking matters on which I have not had the happiness of having his support, and I venture to promise for myself that assistance on this occasion. I assure my hon. friend there is nothing in the Bill of a revolutionary character—nothing to frighten capital. There is no intention of dealing with the subject of issues; the object of the Bill will be for the purpose of enforcing more in detail the provisions of the present Act and bringing under the scope of the Act certain private bankers who are now outside of it than any other object. I do not think there will be anything in the Bill to alarm my hon. friend; I should be very sorry if there was.

My hon. friend from Prince Edward Island refers to the mails. I am very sorry, and feel culpable to some extent for the disappointment which my hon. friend has suffered.

Hon. Mr. HAYTHORNE—The people of my Province.

Hon. Sir ALEX. CAMPBELL—The disappointment which the people of his Province have suffered in consequence of the promises which were made, and which remained unfulfilled. The promises which were made were to improve the communication at Capes Tormentine and Traverse. We were very anxious to improve that

communication, and we thought at that time we should before now have the communication improved by the construction of a Railway upon the Island, and of a branch upon the main shore. It so happened that shortly after the Session it was ascertained that the Province of New Brunswick was ready to construct the Railway upon the main shore from Sackville to Cape Tormentine. The fact that they were willing to undertake that work naturally delayed any action on the part of the general Government here. Of course we were quite happy to have that portion of the work taken off our hands and constructed by the Province of New Brunswick, if they would undertake it. A delay of some months occurred before it could be finally settled whether they could do it, or whether it was necessary for us to do it. Finally they undertook it and subsidised a company to construct a Railway, to the extent of $3000 a mile, and the Railway is now under construction, and 14 or 16 miles have been graded from Sackville, and a certain amount is under contract. Some progress has been made for which we might not be entitled to any credit, but progress has been made which rendered it unnecessary for us to take action as to that part of the communication. Then upon the Island for the twelve miles necessary to complete the communication from the Island Railway to Cape Traverse, a vote was taken for an amount to construct it; but work was not commenced not from any disposition to evade the promise made, but simply because, the railway on the mainland not being completed, there was no use commencing that until they could both be completed together. That the road on the mainland is going on now, is a fact, as I am informed by my hon. friend near me, and that the work on the Island and the mainland will be completed together I hope, and believe there can be no doubt, and by next session my hon. friend will be delighted to find that communication will be very greatly improved. As to communication between those two points a great deal of inquiry has been made, and it does not appear to have been satisfactorily established what kind of communication can be kept up after the Northern Light shall have ceased to be able to run between Pictou and Georgetown. I was told last session that steam launches would be useful occasionally, and that was mentioned to me by one of the gentlemen of the Railway Department. I understand latterly they have not so considered, and they are disposed to believe now that the present means of communication during a month or two in the winter are the best, and are likely to be the best —perhaps the only communication during a short time in the winter; but during the rest of the season, and during the rest of the year the communication can, of course, be by steamer. Time was lost there in this way, that the present contract for the service between the Island and Shediac, and between the Island and Pictou, was about to expire, and we were very desirous—I was very anxious I know and had the pleasure of having several interviews with the gentlemen who came up here on the subject—we were very anxious that the new contract should include the service for the winter and summer, both between Georgetown and Pictou, and between Capes Traverse and Tormentine, and that it should be placed in the hands of this company because it was an Island company, and being an Island company would naturally feel a keener interest in the matter and exert themselves more strenuously to keep open the communication than a foreign company would. With that object we had certain conversations, and we hoped that the contract would be made with them for the summer and winter service. If we could make such a contract, and have those lines constructed on the mainland and on the Island, then, I think, we should have probably done the best we could have done for that communication.

I by no means belittle the service; far from it. I still think, as I said last session, these communications are all on the same footing and the Government is bound to exert itself as much to maintain them (and more in this case because it was part of the compact with Prince Edward Island) as in any part of Ontario or Quebec, and it is our desire to have it done; only, my hon. friend knows, there are many difficulties and he knows what I am saying now with respect to these Railways will be no doubt fulfilled, they will be finished; and I hope next session he will have that communication in the shape which the members from Prince Edward Island have a perfect right to expect it to be in,

that is, he will have the best communication the physical circumstances will admit of between the inland and the mainland. That is what we are anxious to carry out.

Hon. Mr. HAYTHORNE—You should begin the Island Branch!

Hon. Sir ALEX. CAMPBELL—Since my hon. friend spoke, I sent a message to the Department about the Island Branch, but no satisfactory reply has reached me; the reply does not touch the question. I ask when the Island Railway will be commenced and they reply "The work of construction is not yet commenced." Before the close of the Session I hope to be able to give my friend information on that point.

I am glad the speech from the throne has been received with so much unanimity and satisfaction by hon. gentlemen of both sides of the House; and I might even have thought that the hon. member who leads the Opposition (only for one or two of his remarks) was supporting the Government.

Hon. Mr. BELLEROSE—Hon. Gentlemen,—No doubt you have been astonished at the extraordinary speech which the honorable Senator for the division of Mille Isles (Mr. Masson) has just delivered. But your surprise at this first speech of his will cease when I tell you that he could do no better, since he was forced, by all possible means, to justify the course he had followed in October, 1878, when called upon by the honorable Premier to join his Government He had on that occasion refused to comply with the spirit of the Constitution.

After the British North America Act of 1867 had been adopted by the Imperial Parliament, the delegates to England, who had framed the new Constitution, had to put it in operation and give some of the clauses of this important law, their true interpretation. How did they interpret the 133 clause and how did they carry it out? Did they not give both Houses of Parliament (the Senate and the Commons) ministers of the two nationalities recognized by the Constitution? Had not the Senate, as well as the Commons, its French ministers as well as its English speaking ministers? Yes, and it was only in 1878, when the Hon. Senator (Mr. Masson) joined the Administration and was entrusted by the Premier with completing the Quebec section of the Government, that this gentleman, believing (I am bound to suppose) that he knew better, that he had more experience and more brains in his head than the old veteran, the late lamented Sir George Cartier, dropped the constitutional practice and refused to give the Senate a minister of French origin who could take part in the debates in the language of the minority, and so forced that minority to either speak a language which is not theirs (as has been the case during the last five years) or be told that they are not understood when they advocate in the French language the cause of the people they represent.

The hon. member for DeSalaberry, (Mr. Trudel), a few minutes ago shewed by the strongest logical arguments, our pretensions as to the right of the minority in this House to have a French Senator sitting on the Treasury Benches—and I may fairly challenge any gentleman, in or outside of this Senate, to controvert those arguments. Yet the hon. Senator from Mille Isles, (Mr. Masson), emphatically denies that such is the case, believing, it must be supposed, that a simple denial of his is worth all the arguments in the world. The hon. gentleman asks, have not the two hon. members who have advocated the use of the French language addressed themselves to this hon. House in the English language? No doubt, we have done so to-day, as we have done during the last five years, since we have been deprived by his unpatriotic act, of ministers in this Senate, who can understand and answer us in our language.

The hon. leader in this House, (Sir Alex Campbell), has stated that it had never been a rule that the Speakers of the two Houses should not belong to the same nationality, and the hon. gentleman gave as a proof of his assertion, that while the Senate was presided over by the hon. Mr. Christie, the Commons had as its Speaker, hon. Mr. Anglin. Again, that after hon. Mr. Chauveau had been appointed Speaker of the Senate, during the first Parliament after Confederation, hon. Mr. Cauchon was appointed Speaker of the Senate during the second Parliament; and also, that the French element, which numbered only one-fourth of the whole population, could not expect to receive

such a share as that asked for. No doubt the hon. leader of this House is not serious when he makes such statements, he knows as well as myself that the facts he refers to do not prove that he is right, and that I am wrong, but on the contrary, they prove that he is wrong and that I am right. He cannot have forgotten that two French Speakers were appointed to preside over the Senate during the two first Parliaments as a compensation for the appointment of an English gentleman to preside over the Commons during the same two Parliaments. Neither can he have forgotten that in 1873, when Mr. Mackenzie's Government appointed Messrs. Anglin and Christie, to preside respectively over the Senate and the Commons, he gave full compensation to Quebec and to the French element by giving two Catholic ministers in this House—one Irish from Ontario, and the other of French origin from the Province of Quebec—while to-day we have both Speakers of English origin and from Ontario, and six or seven ministers from the same province out of fourteen or fifteen of a Cabinet. The hon. leader of the Government claims that because the population of French origin are but one-fourth of the whole Canadian people, therefore we are not entitled to have at all times a minister of French origin in the Senate; but he forgets that under the constitution the two languages are placed on the same footing, and the numerical strength of the two nationalities is not considered.

Hon. Mr. TRUDEL—I beg most respectfully to say a few words of explanation, and as I do not intend to detain the House, I hope hon. gentlemen will bear with me. I wish merely to call attention to this fact, that in dealing with this disagreeable question I did my best to divest it of every characteristic of personality; more than that, I used my best efforts to make this House understand that in the remarks I felt obliged to make, far from having anything to say personally against the hon. gentlemen who at present occupy the treasury benches, or the hon. Speaker of this House, I stated that I was sure we could rely on them to do full justice. But I confess that above the personal question there are constitutional considerations, and I have been surprised to hear the speech of the hon. Minister of Justice, who is a lawyer, and who no doubt in his professional experience has had to argue with a judge and declare that he was not competent in a case. Supposing that a case should be taken to the Supreme Court without first passing through the Court of Appeal in the Province, and a lawyer goes to argue the case, his adversary might say, "Well you ought not to come to this Court; I challenge the competency of the tribunal"—and the reply might be, "Have you not confidence in the Judge who presides in this Court?" This would not be fair; and thus so long as the hon. Minister of Justice does not answer the constitutional argument which I laid down before the House, it is not fair to change the ground and make of this a question of personality, while in reality it is a constitutional question. I repeat that I have nothing to say against the hon. gentlemen who occupy those seats, but is it a fact or not that Confederation was established on the principle that on representation by population being granted in the other House, the equality should be restored in this House? Is it not as plain as the sun, that now amongst the twenty-four members belonging to one of the Provinces, there are four belonging to the Government? And these twenty-four members, with the ministerial influence, are at least twice as powerful as any other twenty-four, and thus the strict equality which was an express condition of Confederation, is destroyed. If I am wrong when I lay down this argument, I should like the Minister of Justice to shew it to the House, but I do not think that hon. gentlemen will attempt to shew it, for he remembers well that on a previous occasion he admitted here, that if not the letter at least the spirit of the constitution is violated by the fact of the French element not having representation in this House.

Now I repeat it again, it is very unpleasant for us to be repeatedly obliged to call the attention of the Government to this question, but we consider it a matter of duty. Our respected colleague from Mille Isle (Mr. Masson) said that it is a strange thing we should advocate these rights in English,—but it is because we wish to put the question to the whole Senate, because we want to appeal to the spirit of justice of the whole House, that

we speak in a language foreign to us. Now the hon. gentleman says we laid down the rule of having no representation in the Senate, and the Province of Quebec admitted it.

Hon. Mr. MASSON.—I did not say anything of the kind.

Hon. Mr. TRUDEL.—Well, it was said that the popularity of the Government has shown that the people of the Province of Quebec endorsed it.

Hon. Mr. MASSON.—I said that notwithstanding the fact that there was no French Minister in this House, the country was so well satisfied with the Ministry that we formed, that they gave us continually their support by overwhelming majorities.

Hon. Mr. TRUDEL.—I will add that if this support was given to the present Government, it was due to a certain extent —in fact to a great extent—to the action of the members of this House. And I am sure I will have the evidence of my hon. friend on the other side (Mr. Bellerose) to prove that on one occasion where a Minister of the Crown was elected by acclamation, he would not have been so elected had we not taken care to avoid the question of representation in the Senate. Now I must ask the Minister of Justice if we ought to take it as a challenge?

Hon. Sir ALEX. CAMPBELL.—Take what as a challenge?

Hon. Mr. TRUDEL.—The hon. gentlemen from Mille Isle put it in this way,—that it shows that the people are satisfied.

Hon. Mr. MASSON—The hon. gentleman must not misrepresent me. I know he would not wilfully do so, but what I said was that the fact of the continual approval we have had from the country—the proof we have lately had—shows that the Government has the support of the country. I would ask if the hon. gentleman means to say that I indicated at all that if there had been a French Minister in the Senate, we would not have had the same majority?

Hon. Mr. TRUDEL—No, but the question as it is put now—if we sincerely believe that we should have such representation here in the Senate, then we are put in this position,—we must shew you at the next election how it will be. This is a question which cannot be taken otherwise. I recollect the hon. gentleman from Sorel (Mr. Guevremont) telling me last year, "Well you will see that these gentlemen will not open their eyes unless some of them be defeated on this very question." Well I think that he was right, and I think the time will come—although I do not wish to say anything disagreeable to hon. gentlemen—when the payment of $4000, to buy an adversary will not be enough to have a majority in most of the Counties of the Province of Quebec.

Hon. Sir ALEX. CAMPBELL—I think that my hon. friend from DeSalaberry is a little too hard on me. How is it possible for me to answer that long letter, having never heard of it or seen it before? I think a great deal might be said on the constitutional question, but I would rather not say it now as I think the moment is not opportune. Then as to the personal observations I do not press them at all, but some personal observations fell from the hon. gentleman from DeLanaudière which I thought it necessary to reply to, and I naturally fell into a manner of expression which the hon. gentleman from DeSalaberry may have misinterpreted. So far from throwing out any challenge, I had no intention to do so, and I shall only be too glad to have my hon. friend's support on all occasions.

Hon. Mr. TRUDEL—This letter was only the summing up of some of the results which I gave in the pamphlet which I published some two years ago, and which was sent to the Minister of Justice, and in which all those arguments were dealt with. I may add that I had not the good fortune, though I repeated my invitation several times, and had received some flattering letters from statesmen in Europe—even from Lord Beaconsfield, and one from Constantinople from our late Governor-General—to receive any acknowledgment from any member of the present Government that it was worthy of perusal.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Wednesday, Feb. 14, 1883.

The SPEAKER took the Chair at Three o'clock.

REPORT PRESENTED.

HON. SIR ALEX. CAMPBELL presented the annual report of the Secretary of State for 1882.

BILLS INTRODUCED.

Bill (A) "An Act to amend and consolidate the Penitentaries' Act, 1875, and the Acts in amendment thereof.—(Sir Alex. Campbell.)

Bill (B) "An Act to amend and consolidate the Acts relating to the superannuation of persons employed in the Civil Service of Canada.—(Sir Alex. Campbell.)

Bill (C) "An Act to amend the Canada Civil Service Act, 1882.—(Sir Alex. Campbell.)

CIVIL SERVICE SUPERANNUATIONS.

HON. MR. SCOTT.—As the hon. leader of the Government in this House is introducing a Bill relating to the superannuation of persons employed in the Civil Service, I think it would be well that the House should have full information as to the superannuations which have taken place before the Bill comes up for its second reading. I therefore give notice that I will move for a return of all officers in the Civil Service superannuated since 1878, the terms of their service, the amounts to which they were ordinarily entitled, and the number of years added to the amount they would have been entitled to under the Statute.

HON. SIR ALEX. CAMPBELL.—I have such a return in course of preparation, and will have it brought down.

The Senate adjourned at 3.40 p. m.

THE SENATE.

Ottawa, Thursday, Feb. 15, 1883.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

NEW SENATOR.

HON. PIERRE ANTOINE DEBLOIS, was introduced and having taken and subscribed the oath of office, and made and subscribed the declaration of qualification, took his seat.

THE SESSIONAL COMMITTEES.

HON. SIR. ALEX. CAMPBELL, moved that the Sessional Committees be composed respectively, as follows :—

JOINT COMMITTEE OF THE LIBRARY.

HON. D. L. MACPHERSON, *Speaker*, and the Hon. Messrs.

ALEXANDER,	MASSON,
ALLAN,	MONTGOMERY,
ALMON,	O'DONOHOE,
BAILLARGEON,	ODELL,
BELLEROSE,	POWER,
BOUCHERVILLE, DE,	RYAN,
BOURINOT,	SCOTT,
CAMPBELL (Sir Alex.)	STEVENS,
CHAPAIS,	TRUDEL,
HAYTHORNE,	WARK.

JOINT COMMITTEE ON PRINTING.

Hon. Messrs.

COCHRANE,	O'DONOHOE,
FERRIER,	ODELL,
GUEVREMONT,	PELLETIER,
HAYTHORNE,	SIMPSON,
KAULBACH,	SKEAD,
MCCLELAN,	VIDAL,
MACFARLANE,	WARK.
NORTHWOOD,	

BANKING AND COMMERCE.

Hon. Messrs.

Allan,	McInnes,
Archibald,	McMaster,
Bellerose,	Miller,
Benson,	Odell,
Botsford,	Paquet,
Boucherville, De,	Pelletier,
Boyd,	Plumb,
Campbell, (Sir Alex)	Ryan,
Chapais,	Simpson,
Cochrane,	Skead,
Ferrier,	Smith,
Gibbs,	Thibaudeau,
Hamilton, (Inkerman),	Trudel,
	Vidal,
Lewin,	Wark

RAILWAYS, TELEGRAPH AND HARBORS.

Hon. Messrs.

Alexander,	Macdonald,
Allan,	MacInnes,
Boucherville, De,	McKay,
Boyd,	Montgomery.
Campbell (Sir Alex.)	Muirhead,
Carvell,	Nelson,
Chapais,	Ogilvie,
Cochrane,	Paquet,
Dickey,	Power,
Ferguson,	Ryan,
Ferrier,	Scott,
Gibbs,	Skead,
Hamilton,	Stevens,
Kaulbach,	Sutherland,
Leonard,	Vidal.

CONTINGENT ACCOUNTS.

Hon. Messrs.

Alexander,	McMaster,
Armand,	Macfarlane,
Botsford,	Masson,
Campbell (Sir Alex.)	Miller,
Chaffers,	Nelson,
Cormier,	Plumb,
Dickey,	Power,
Dickson,	Pozer,
Girard,	Read,
Grant,	Robitaille,
Hamilton,	Ryan,
Leonard,	Scott,
McCleland,	Skead,
McInnes,	Smith.
McKay,	

STANDING ORDERS AND PRIVATE BILLS.

Hon. Messrs.

Almon,	Howlan,
Archibald,	McInnes,
Armand,	McKay,
Bellerose,	Macfarlane,
Botsford,	Masson,
Bouirinot,	Montgomery,
Boyd,	Nelson,
Campbell (Sir Alex.),	Odell,
Carvell,	Ogilvie,
DeBlois,	Paquet,
Dever,	Pelletier,
Dickson,	Power,
Ferrier,	Pozer,
Flint,	Read,
Girard,	Reesor,
Glasier,	Scott,
Grant,	Sutherland,
Guevremont,	Trudel,
Haythorne,	Vidal.

REPORTING DEBATES.

Hon. Messrs.

Boyd,	Scott,
Boucherville, De,	Thibaudeau,
Gibbs,	Trudel,
Howlan,	Vidal.
Macfarlane,	

Hon. Mr. MILLER asked when these committees could be called together. It is usual for the leader of the House to give instructions for the calling together of the committees.

Hon. Sir ALEX. CAMPBELL said he would call them together to-morrow morning for the purpose of organization.

The Senate adjourned at 3.40 p.m., until to-morrow.

THE SENATE.

Ottawa, Friday, February, 16th, 1883.

The SPEAKER took the Chair at 3.00 p.m.

Prayers and routine proceedings.

PETITIONS FOR PRIVATE BILLS.

SECOND REPORT OF THE COMMITTEE.

HON. MR. BELLEROSE, presented the second report of the Select Committee on Standing Orders and Private Bills, recommending that the time limited for receiving petitions for Private Bills be extended to Thursday, the first day of March, next, and moved that it be adopted presently.

HON. MR. MILLER.—I rise merely to suggest whether it would not be well to revise a rule, the suspension of which the hon. gentleman now moves for. From time to time the rule, not only with regard to limiting the time for the reception of petitions for Private Bills, but also the rule limiting the time for the presentation for Private Bills is suspended on the recommendation of the Committee. The object of the rule is to prevent business from being crowded upon the House during the latter part of the Session. The rule, at present, does not by any means achieve its purpose; continual extensions of time are granted whenever they are asked for, and I think the time for receiving Bills should be much longer than it is now according to the rule. I think there should be some understanding in the House, that parties who fail to bring their petitions before the Senate within the time fixed by the rule, could not expect a hearing that Session, and that parties having legislation to submit to the House, should be obliged to submit it within a reasonable period. I know that the great complaint with regard to this House is, that we are crowded not only with the work of this House, but with the work from the other House at the end of the Session, and I think the facility with which those extensions of the rule now under discussion are accorded by the House has a good deal to do with forcing that state of affairs. I do not at all oppose the motion that the hon. gentleman has made on the recommendation of the Committee. I think the extension is absolutely necessary as it is altogether unreasonable to expect all petitions for Private Bills to be presented within the time limited by the rule, and it would be well for the Committee to recommend to the House an alteration of the rule.

HON. MR. BELLEROSE.—I think the suggestion of the hon. gentleman from Richmond is a good one; it would facilitate the transaction of business in both Houses if the rule were amended in that direction. I shall bring the matter before the Committee and see if an understanding can be arrived at with the House of Commons, so that the time shall be extended by the rule, and in future it will not be necessary to bring in such motions.

The motion was agreed to.

THE CIVIL SERVICE.

EXPLANATION.

HON. SIR ALEX. CAMPBELL.—I said yesterday in answer to a question proposed by the hon. gentleman from Delenaudiere, that I would be able to inform the House to-day when the return asked for by my hon. friend would be laid on the table of the House showing, the names, origins, religions, offices and salaries of all public servants of the Dominion. I have shown the hon. gentleman, since then, the form in which that return will appear, and I think it will give all the information that the House desires, or my hon. friend wishes. It is now in the hands of the printer and will be printed. It was thought by the Government it was a return which would have to be printed ultimately. It will give all the information I have mentioned, and, I think, that will be satisfactory to the House.

HON. MR. MILLER.—Could you not state whether they are male or female also?

HON. SIR. ALEX. CAMPBELL.—That is not in the return. We have some women employed in the public service—not very many. That could also be stated.

The Senate adjourned at 4.20 p.m.

THE SENATE.

Ottawa, Monday, Feb. 19, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PRIVATE BILL LEGISLATION.

REPORTS OF THE COMMITTEE ON STANDING ORDERS AND PRIVATE BILLS.

HON MR. BELLEROSE—presented the third and fourth reports of the Committee on Standing Orders and Private Bills. He said that the fourth report recommended that the time for receiving petitions for Private Bills be extended, since an extension had been granted in the other branch of Parliament. He moved the adoption of the report.

The motion was agreed to.

NICHOLSON DIVORCE BILL.

FIRST READING.

HON. MR. KAULBACH.—In pursuance of the report of the Committee on Standing Orders and Private Bills introduced Bill (D) "An Act for the relief of Peter Nicholson."

The Bill was read the first time.

HON. MR. KAULBACH.—Moved that the Bill be read the second time on the 7th March next.

HON. MR. MILLER —I do not intend to oppose the motion, but it seems to me that in a matter of this kind there ought to be some one in the House whose duty it would be to see that all the requisite preliminaries are strictly attended to in the promotion of Bills of this character. I do not mean to say that the hon. gentleman, who has charge of this Bill has not proceeded in a strictly regular way thus far in this case, but I think there should be an understanding that some one should see that all the formalities are complied with. The hon. gentleman opposite would be the most suitable member to discharge that duty both as leader of the Senate and in his character as Minister of Justice, and I think the duty should devolve upon him to see that these steps are regularly taken because if it is left to the House it will be found that what is everybody's business is nobody's business. This House not only legislates but is looked upon by the other branch of Parliament as having to exercise judicial functions: therefore it is all the more necessary that the rules should be strictly observed. There is another branch of this subject which deserves the consideration of the House, and I mention it now before that step is taken—it is the striking of a Committee to deal with a matter of this kind. Now, if there is a case in which a Committee should not be struck *exparte*—I do not allude to this case in particular, but all these divorce cases—if there is any legislation in this House which requires that a Committee should be struck with strict regard to judicial fairness, it is a case of this kind; but as we all know the gentleman who is in charge of a Bill of this character is allowed to name his Committee without any dissent from the House, so far as my recollection extends. I think if these subjects are to come before Parliament for adjudication, it is time we should consider whether it is advisable to have Committees struck *exparte* for the trial of them. I think there should be some arrangement—I do not suggest what it is, I do not take sufficient interest in this kind of legislation to make a suggestion, but I throw out the idea,—and I think the duty devolves chiefly on the Minister of Justice, who is the leader of the Senate—whether the ends of justice are subserved by allowing Committees to be struck as they are now. I think not, and I think the effect would be to inspire more confidence in the judgments of these tribunals if a different method were adopted of forming them—one that would fairly meet the approval of both parties interested, in striking these Committees.

HON. SIR ALEX. CAMPBELL.—I have felt so strongly in accord with the general views enunciated by the hon. member for Richmond, that for many years after Confederation I absolutely, as leader of the House, took charge of all these Bills, and no Divorce Bill for some years, was introduced here except by me. I thought that was the safe and prudent way of dealing with so important a sub-

ject, but after the lapse of three or four years considerable fault was found with me for having pursued that course, particularly by an hon. colleague of ours who is now no more, and who filled the chair before the hon. gentleman who now occupies it, Mr. Christie. He urged with considerable shew of authority and reason, that it was not proper for the leader of the House to lend his aid or pronounce strongly one way or the other upon a Private Bill, and that there was no distinction between Divorce Bills, and Private Bills, and that I certainly ought not to have charge of a Private Bill. The task to me was an onerous and exceedingly disagreeable one, and as that appeared to be the feeling of the House, I was very glad to let it go by and allow any one who wished to deal with these Bills, and the practice has gone ever since in the direction which the hon. member from Richmond has alluded to; but it is very necessary that some one here should watch the proceedings in the same way as a Judge presiding in a Court would watch them if such a case were submitted to him. It is necessary that all the forms and notices which the law requires should be observed. I do not at all mean to say that it has not been done in this case: I presume it has been done, but I am speaking generally, it is very desirable and necessary. With regard to the mode of naming the Committee, that is more difficult. I suppose the only way would be to leave the matter in the hands of the House, and have the Committee composed of the seven members who received the highest number of votes. It is very desirable, at least those who have charge of such Bills think so, to have gentlemen of the legal profession on the Committee, and they consider it also desirable to exclude those who think divorce ought not to be granted at all, and in that way it makes it very difficult. I think the gentleman who has charge of the Bill should endeavor to secure, as far as possible, a fair judicial Committee, and so far as I am concerned, I shall be willing to render any service I can if the House agrees with the view taken by the hon. member from Richmond; I should make it my duty to watch the Bills, not as I did before, taking them up and disposing of them on my own judgment and the action of the House, but to watch them as *amicus curiae*. I do think that it would be a desirable thing, only if I discharge that duty, I hope members who have charge of such measures will feel that it is only because it is my duty—because it is a duty which should be discharged by some one, and it very naturally devolves on the leader of the House, to see that all this legislation is regularly and carefully conducted.

Hon. Mr. KAULBACH—I may say that I have very reluctantly taken charge of this Bill. I believe the promoter endeavoured to get some person else, and failed, and I felt it my duty to act for him. I am not acquainted with the gentleman who is moving in this matter, nor am I familiar with his case, but I fully concur in all that has been said by the leader of the House, and by the hon. member from Richmond. It may be remembered that I expressed similar views when the Campbell Divorce Case was before the Senate. I do not believe that these Committees are usually drawn in such a way that they are likely to discharge fairly and judicially the duties imposed upon them. So far as I am myself concerned, knowing no more about the Bill than that it has been placed in my hands, I shall endeavour to see that a Committee is so selected that there shall be no suspicion of partiality on the part of its members. I fully agree as to the unsatisfactory manner in which these matters are often brought before the Senate and disposed of; but in this case the whole proceedings preparatory to the introduction of the Bill, so far as I know, have been regular. I have looked to that myself, to some extent, and I was this morning before the Committee which has reported upon the case.

Hon. Mr. BOTSFORD—The objection which has been taken by the hon. member from Richmond is a very serious one, as regards the mode of selecting the tribunal, and the difficulty is increased by the fact that certain members of the Senate are opposed to all such legislation, and it would not be fair, under those circumstances, to select any gentleman who is decidedly oppossed to carrying out the object of the Bill. Now, the only remedy, to my mind, which can under these circumstances be adopted, is to leave the selection to the Speaker of the Senate. He will avoid, of course, select-

ing gentlemen who are adverse to granting legislation which the constitution imposes on us, and on the other hand he will select gentlemen who are competent to perform the duty of Judges in the matter; and I would suggest that the hon. member (Mr. Kaulbach) when the time comes to organise the Committee, shall consult his honor the Speaker on the question, and in that way the injustice and partiality which might arise would be avoided.

Hon. Mr KAULBACH.—I shall be very glad to adopt the suggestion my hon. friend who has just spoken.

The motion was agreed to.

THE STANDING COMMITTEE.

Hon. Sir ALEX. CAMPBELL moved that the name of Mr. Carvell be added to the Committee on Railways, of which he had been a member of last Session.

Hon. Mr. SCOTT asked that Mr. McClellan be added to the Committee on Railways, Mr. Pelletier to the Committee on Public Accounts, and Mr. Haythorne to the Committee on Senate Debates, of which he had formerly been a member,

Hon. Sir ALEX. CAMPBELL said he was very glad to accept the suggestion.

The motion as amended was agreed to.

AN ADJOURNMENT.

MOTION.

Hon. Mr. HOWLAN moved that when the House adjourned to-day it stand adjourned until Thursday, the 1st of March next, at 8 p.m.

After a brief discussion the motion was agreed to on a division.

THE CONTINGENT ACCOUNTS.

MOTION.

Hon. Mr. READ moved the adoption of the first report of the Committee on Contingent Accounts.

Hon. Mr. KAULBACH asked for an explanation why the services of Frank Phillips, a page of the Senate, were dispensed with.

Hon. Mr. READ explained that the boy's parents had moved to the United States, where the family reside, and it was thought that there was no scarcity of boys in Canada to fill the position. There was no fault found with the boy, and notice had been sent to him that his services would be no longer required, but it had failed to reach him in time.

Hon. Mr. KAULBACH thought it would have been better to have found some employment for the boy during the Session, than to send him home again.

The SPEAKER said the boy's parents lived in Illinois, and, thinking it very anomalous to send so far for a page, he had written to the boy's parents at least a fortnight before the meeting of Parliament, to say that the Committee would not be likely to employ a non-resident of the country, and advising him not to come down. Unfortunately that letter had only reached the boy's parents the morning he had started for Ottawa.

Hon Mr. MILLER said that the Committee had approached this matter with as kindly feelings as it was possible for them to entertain. They had before them the claims, of three boys at least, which were much stronger than those of the son of the Rev. Mr. Phillips. It would have been desirable if the boy had been notified a little earlier, but that injustice or hardship (if he could use the term) was completely met by agreeing to pay his expenses in coming here and returning home, as well as his salary to the date of the adoption of the report.

Hon. Mr. SKEAD thought it a little hard that the boy should be put away before the close of the Session. Surely some occupation could be found for him: it would be better than send the poor lad back under a cloud.

After some further discussion the motion was agreed to.

The House adjourned at 4.15 p.m., until Thursday, the 1st March next.

THE SENATE.

Ottawa, Thursday, March 1, 1883.

The SPEAKER took the chair at 8 P. M.

Prayers and routine proceedings.

THE FRENCH CANADIAN POPULATION.

EXPLANATION.

HON. SIR ALEX. CAMPBELL.—Before the notices of motion are called, I desire to make an explanation of an error into which I fell in the debate on the Address in answer to the Speech from the Throne, and which error has formed the subject of a newspaper article, a copy of which has been sent to me. In that article the writer expresses the belief that I will take the earliest opportunity of correcting the error into which I fell, which I very readily do. In speaking of the claims which our French Canadian fellow subjects have to the position of the Speaker in this House, I stated that they stood perhaps as one to five. I do not think I did so with any intention of being understood as speaking accurately, and I think I said one to four or one to five—in that kind of way—but I have been taken to have said one to five, which is not correct. The true statement of the population I have had made out, and it is as follows :—The total population of the whole Dominion in 1881, was 4,384,810, and of that population in the four old Provinces the French Canadians numbered 1,082,000, or, in Quebec itself, 929,817; so that if I stated the French Canadian population is a little more than one in five, I was wrong—the population is a little more than one in four. I desire, of course, to make the correction, and the article which I have in my hand, which is from the "Minerve," justly says it is sure I will hasten to do so if I am in error, and I find that I was if I said so; but my impression is I stated it in a general way, without speaking accurately or from the book.

QUALIFICATIONS OF MEMBERS.

AN EXPLANATION.

The SPEAKER submitted a list of the Senators who had taken and subscribed the declaration of qualification for the present Session.

HON. SIR ALEX. CAMPBELL.—In the list of members who have subscribed to the declaration of qualification, which the Speaker has just laid on the table, appears the name of our colleague, Mr. Price, who has not been able to appear this Session, and consequently has not been able to subscribe the declaration of qualification in the way the rules of the House direct, which is before the Clerk. Mr. Price has transmitted a declaration to the Clerk of the Senate, who makes a special report with reference to it;—that in addition to the other gentlemen who have subscribed, he has received a certificate from Mr. Price, who is suffering from paralysis, and a copy of the declaration signed by himself. I am sure hon. gentlemen will consider that declaration sufficient. (Hear! hear!)

The Senate adjourned at 8.10 p. m.

THE SENATE.

Ottawa, Friday, March 2, 1883.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

OCEAN MAIL SERVICE.

MOTION.

HON. MR. POWER moved:

"That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, all Memorials, Correspondence and Communications of any kind in the possession of any Department or Officers of the Government, relating to the Mail Service between Canada and the United Kingdom, or to the rates of freight charged by the Proprietors of the line of Steamships by which such Mail Service is performed."

He said—This resolution of which I had given notice, is intended simply to enable the Government to lay upon the table of the House some correspondence

which will be found necessary in order that a discussion on another notice of motion, which I have given for Monday next, may be conducted in an intelligent and satisfactory manner by the House, and I understand that the Government have no objection to it.

HON. SIR ALEX. CAMPBELL.—The hon. gentleman who has made this motion was good enough to speak to me yesterday or the day before about it, and I then addressed the Minister of Railways and Canals on the subject, and I received a reply informing me that the correspondence will be ready to lay upon the table of the House on Monday next.

The motion was agreed to.

BILL INTRODUCED.

Bill (E), "An Act respecting the Northern Railway of Canada."—(Mr. Allan.)

The Senate adjourned at 3.45 p.m

THE SENATE.

Ottawa, Monday March 5th, 1883.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COMMUNICATION WITH PRINCE EDWARD ISLAND.

MOTION WITHDRAWN.

The order of the day having being called,

That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all Correspondence on the question of winter and summer communication between Prince Edward Island and the Mainland.

HON. MR. HOWLAN said:—Since this motion was put on the order paper a Special Committee has been appointed by the House of Commons to take up this whole question, and the papers which I intended to ask for have been handed to them, so I beg leave, with the consent of the House, to withdraw the motion.

The motion was accordingly withdrawn.

VETERANS OF THE WAR OF 1812-15.

MOTION.

HON. M. GUÉVREMONT:—moved

"Qu'il soit présenté une humble adresse à Son Excellence le Gouverneur-Général pour prier Son Excellence de vouloir bien faire transmettre à cette Chambre un état indiquant le nombre des vétérans de 1812 et 1815, décédés depuis que la somme de $50,000 a été votée; le nombre des vétérans qui reçoivent aujourd'hui une allocation sur le vote du Parlement en 1875, et le nombre des demandes d'aide qui ont été présentées de la part des veuves des vétérans décédés depuis le vote de 1875."

HON. SIR ALEX. CAMPBELL.—There is no objection to the address.

The motion was agreed to.

BILL INTRODUCED.

Bill (21) "An Act to authorize the raising, by way of loan, of certain sums of money required for the public service. (Sir Alex. Campbell.)

The Senate adjourned at 3.45 p.m.

THE SENATE.

Ottawa, Tuesday, March, 6th, 1883.

The SPEAKER took the chair at 3.00 o'clock.

Prayers and routine proceedings.

A STANDARD MERIDIAN.

MOTION.

HON. MR. ALLAN, moved:—

That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, a copy of the Memorial addressed to His Excellency from

the Royal Society of Canada, and of the Canadian Institute of Toronto, and of any documents connected therewith, relative to the representation of Canada, in the International Conference, to determine a standard meridian now contemplated by the Congress of the United States.

He said:—I may briefly explain that for several years the subject of a standard meridian, and a general regulation of time throughout the whole world, has occupied the attention of scientists in this country, the United States and Europe, but it is one of special interest to the people of this continent, and to us of this Dominion. The geographical features of Canada and the rapid extension of our railroads over vast tracts of country, and other circumstances, all combine to render the movement to establish a standard meridian one of peculiar importance to us. The President of the United States, under the authority of a resolution of Congress, is about to call an International Conference to take this matter up, and in view of the general interest which Canada has in the question, the Royal Society of Canada, and I believe the Canadian Institute of Toronto, one of the oldest scientific institutions of Ontario, have memorialized His Excellency the Governor-General, praying that he will be pleased to use his influence with the Imperial Government to have Canada represented at the Conference. Should my motion be granted, and the documents to which I have referred be brought down, I propose to call the attention of hon. members more fully to the matter with a view of asking the concurrence of the House, in a resolution for an address to His Excellency asking that he will be pleased to use his influence with the Imperial Government, to secure for Canada representation at the forthcoming Conference.

Hon. Mr. ALEXANDER—I consider it my duty to make one or two observations upon this subject. Certain scientists on this continent have propounded a theory, which is a very plausible one, of adopting a new system of regulating time, by establishing a new Prime Meridian and local standard meridians around the whole world. Those scientists have approached the United States Government, which has invited the leading European Governments to send delegates to a Conference at Washington. In plain words the British Government would be solicited to abandon their old Prime Meridian, viz: "The Royal Observatory of Greenwich," perhaps for some point on the Pacific Ocean—to be established as a basis for regulating time throughout the world. The best informed will tell those scientists, that to accomplish any result, they are aiming at too much. We rejoice to see our men of science and railway engineers employing a portion of their time in this direction, and, I am sure, we desire to cultivate always the most friendly relations with the people and Government of the United States,—where we are not acting in a manner antagonistic to the interests of the Empire, of which, we are proud, to form an integral part. What the best informed would advise those scientists to do, would be to hold conferences frequently amongst themselves until they succeeded in forming some principle of time division advantageous to the Railways and other interests—a principle which will commend itself to the common sense of the world at large. The theories hitherto submitted of establishing local standard meridians every 15 degrees or every hour of time across this continent would scarcely prove acceptable to the great trade centres, such as New York, Chicago or St. Louis, where they might fall to the east or to the west of such cities. When those scientists have arrived at some satisfactory solution of such difficulties—and not until then, should they attempt to disturb the great Prime Meridian which has hitherto prevailed. The most convincing proofs and arguments will require to be used, and for some period of time, to the great maritime power of which we are proud to be a part; and I am sure it will not be during the present century that Great Britain will entertain any thought of disturbing that great First Meridian—the Royal Observatory of Greenwich. Her geographical charts, which have, during the two last centuries, since 1675, been prepared by the ablest scientists of Europe, based upon that Meridian, are those which have been used by the greater part of the world—by nine-tenths of the navigators of the Atlantic and every other ocean

Until the British Government believe it to be in the interests of the whole world,

she will not be a party to such a disturbance of longitudinal meridian—which might not be productive of any real practical good, while much evil might be the result. And what subject of Her Majesty in this Dominion, that values British connection, would be a party to such a movement, until the Government of the Empire believe it to be in the interests of mankind, from their enlarged knowledge of the whole position. It would be unseemly, in the highest degree, of our Parliament or Government to think of sending any one to the Washington Conference, until the Imperial Government moves in the matter. I am sure I express the feeling of the House, when I say that we have the deepest interest in strengthening in every way the bonds of attachment to that great country, and that we should be very careful not, by any act of ours, to weaken the cordial relationship now existing.

HON. MR. VIDAL—I think by this time the inexpediency of discussing a matter which has not yet been brought before us must be patent to all of us. I am under the impression that the hon. member for Woodstock (Mr. Alexander) has travelled greatly beyond the record which has been brought before us. As far as I understand the motion it does not contemplate any such disturbance with the regulation of time as the hon. member for Woodstock would lead us to suppose. I have taken great interest in these questions, and it appears to me that the proposition is merely to try to get the whole world to agree to one Prime meridan, from which all measures of longitude would be taken, not interfering at all with the local meridans, which have been referred to, every 15 degrees. It is quite obvious that we can discuss this matter with much greater propriety after we have seen the documents which the hon. member from Toronto has asked to be produced.

HON. MR. ALLAN—I thought it was so perfectly apparent to the House that this was not the proper time to enter into a discussion of this subject, that I considered it hardly worth while to say anything in reply to the Hon. gentleman from Woodstock; but I may state this, I think he has entirely misconceived the whole matter. I do not think there is any intention that this country should act independently of the mother country; in fact it will be seen, when the papers are brought down, that His Excellency has been asked simply to use his influence with the Imperial Government to have through them representatives go from Canada as well as from Great Britain to attend this Conference: and I may say further that these very scientists, to whom the hon. gentleman has alluded as showing a want of practical sense in these matters, have I believe agreed upon still maintaining Greenwich as the Prime Meridian.

HON. SIR ALEX. CAMPBELL—There is no objection to the address.

The motion was agreed to.

MURRAY CANAL.

MOTION.

HON. MR. DONOHOE moved:—

That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, copies of all tenders received for the construction of the Murray Canal; as well as copies of all Reports and Estimates of Engineers, of all Petitions, of all Orders in Council, and of all Correspondence concerning the same. Also, copies of the quantities of each item in the Bill forming part of the tender as originally contemplated to be constructed, as well as of the reduced quantities on which the Contract is said to have been awarded; and of the total amount of each tender received computed according to such original quantities, and according to such changed or reduced quantities respectively.

The motion was agreed to.

The Senate adjourned at 3.40 P. M.

THE SENATE.

Ottawa, Wednesday, March 7, 1883.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE NICHOLSON DIVORCE BILL.

MOTION.

The order of the day having been called,

"Second Reading, (Bill D)—Peter Nicholson's Relief Bill, and the Petitioner to attend and be heard by his Counsel."

HON. MR. KAULBACH said:—I ask the attention of the House to the following telegram which has been received by the Clerk of the Senate.

DETROIT, Mich., March 6, 1883.

To E. J. LANGEVIN.

Re Nicholson Divorce, have proceedings stayed. I desire to be heard. I am Peter Nicholson's wife. Have just been notified. My solicitor will write.

ROSETTA NICHOLSON.

I consulted, upon this with the leader of the Government in this House, and I think it will be in accordance with his wish and the desire of the House if I should ask that the order of the day be discharged and made the first order on the paper for Monday next, and that the Clerk of the Senate notify the wife of the Petitioner of the decision of the Senate on this matter.

HON. MR. MILLER—Before that motion is carried I would like to call the attention of the Minister of Justice to the remarks which I made upon a previous occasion when this matter was before the House, in regard to somebody assuming the duty of watching the regularity of proceedings of this character. I stated then that as our functions were not only of a legislative, but of a judicial character as well—in fact, even more judicial than legislative—it was desirable that somebody should be charged with the duty of seeing that the requirements of the law in cases of this kind were complied with. I intimated also that from the position which the leader of this House occupies as Minister of Justice, he would be the most suitable person to assume the duty. I now beg to call his attention to the fact that already, in my opinion, a very important irregularity has crept into these proceedings. I may say at once that I do not wish to throw any opposition in the way of the hon. member, who has charge of this bill, and it is not with any wish on my part to frustrate him in the object which he has in view that I make these remarks on the present occasion; my desire is simply that we should, in so important a matter as the one before the House, proceed regularly, and also to prevent irregularities being drawn hereafter, as is now being done, into precedents. By the rules of the House in relation to Divorce Bills it is required (by the 73rd Rule) "that a copy of the notice in writ-"ing, is to be served, at the instance of "the applicant, on the person from whom "the divorce is sought, if the residence of "such person can be ascertained and "proof on oath of such service, or of the "attempts made to effect it, to the satis-"faction of the Senate, is to be adduced "before the Senate on the reading of the "petition."

Now by rule 76 "the second reading of "the Bill is not to take place until four-"teen days after the first reading, and no-"tice of such second reading is to be affix-"ed upon the doors of the Senate dur-"ing that period, and a copy thereof, and "of the Bill duly served upon the party "from whom the divorce is sought, and "proof on oath of such service adduced at "the Bar of the Senate, before proceed-"ing to the second reading, or sufficient "proof adduced of the impossibility of "complying with this regulation."

Now, in bringing this matter before the House at the present time, it will enable the hon. gentleman who has charge of the Bill to see, at any rate in the steps he has taken, that proper proof is brought before the Bar of the Senate on oath. I find also that in compliance with the 73rd rule of the House an affadavit has been produced, an affadavit which is on the minutes of the Senate, and which appears to have been sworn before a commissioner of the High Court of Justice of the Province of Ontario. I wish to direct the remarks I am making, specially to the Minister of Justice and the legal gentlemen of the House, and to call their attention to the fact that this affidavit is not headed in any court, but is made before a commissioner of the

High Court of Justice of the Province of Ontario. The affidavit is as follows :

I, Martha Jane Dill, of the City of Detroit, in the County of Wayne, in the State of Michigan, one of the United States of America, Spinster, make oath and say :

1. That I did, on the sixth day of April, one thousand eight hundred and eighty-two, personally serve Rosetta Nicholson, the wife of Peter Nicholson, with a true copy of the Notice hereunto annexed, marked "A."

2. That the said Notice was duly served upon the said Rosetta Nicholson at the said City of Detroit.

3. That I know the said Rosetta Nicholson

Sworn before me at the town of Windsor, in the County of Essex, this 6th day of April, A.D, 1882. } MARTHA JANE DILL.

JOHN MCHUGH,
A Commissioner for taking affidavits in the H. C. J. in and for the County of Grey.

I need not say to hon. gentlemen conversant with legal proceedings, that an affidavit sworn before a commissioner of the High Court of Justice can only be evidence, and can only be read in a proceeding before the High Court of Justice, and therefore that the affidavit of this party, Martha Jane Dill, before a commissioner of the High Court of Justice of Ontario, is no oath at all any more than if that oath had been made before one of the messengers of the Senate, and that John McHugh had no power whatever to administer an oath to be used as evidence in the High Court of Parliament. His power to take an oath at all is limited by the terms of his commission, which simply allow him to take depositions and affidavits to be used in the court for which he is a commissioner. I think that is so very clear that I need not elaborate it. What is the great object in having this evidence under oath? It will be readily perceived that the object is two-fold : In the first place, the moral obligation imposed by an oath is one of the great securties for obtaining true evidence ; in the second place the penalty which is imposed for perjury is a very great, often the greatest inducement to witnesses to tell the truth in giving evidence under oath. Now I venture to say, as a lawyer, that a dozen such oaths as this can be taken, and perjury cannot be assigned on them. I will not go so far as to say that in some cases where the oath is prescribed by the statute and may be irregular and wrongful that the party may not be indicted for misdemeanor, but certainly no party can be indicted for perjury for an oath of this kind; therefore the greatest security you have in many instances for the truth of such evidence as we desire on this most important step in the whole proceedings—the serving of the notice on the party whose rights are to be affected by the legislation of this House—is no evidence at all. It may be said that our rules authorize the Senate to receive evidence which will be satisfactory to it, but that does not mean illegal evidence; it only relates to the quantum of evidence, not to the kind. Certainly it was never intended that illegal evidence should be considered by the House on any occasion. Not only that, but if the commissioners taking that oath had no power to administer it, then it is an extra judicial oath, and he is liable to prosecution, and every one using such an affidavit is liable for the penalties imposed for extra judicial oaths under the law now on our statute books. This question of oaths is one so clear, and the functions and authority of this Parliament are so well understood that I cannot see how we have, on more than one occasion, allowed ourselves, as I admit we have in one or two cases, to fall into the irregularity of taking improper evidence of this kind, not however without objection from members of this House. The case is so clear that I am astonished that the irregularity has been allowed to proceed as it has done. It will be recollected that shortly after confederation, in the second portion of the first session, a bill was passed giving us the only power which we possess by which evidence under oath can be adduced at all before this Parliament. We had to pass a special Act for that purpose in 1868, the preamble of which is as follows :—

"Whereas it is expedient that the Senate should have power to examine witnesses at the bar on oath ; and whereas it is also expedient that evidence taken before any select committee of either House of Parliament on a private bill should be available, if desired, before a committee of the other House to which the same bill is referred, and that for this purpose the select committee of the Senate and of the House of Commons on private bills, should be enabled to administer an oath to the witnesses examined before them ; therefore Her Majesty, by and with the advice and

consent of the Senate and the House of Commons of Canada, enacts as follows:

"Witnesses may be examined upon oath at the bar of the Senate, and for that purpose the Clerk of the House may administer an oath to any such witness."

The only power the Senate has to receive evidence under oath is under that statute, and it had to be ratified by an act of Imperial Parliament. That is the position before a committee is struck; after the committee is struck clause 2 provides that:—

"Any select committee of the Senate to which any private bill has been referred by that House may examine witnesses on oath upon matters relating to such bill, and for that purpose the chairman or any member of such committee may administer an oath to any such witness."

As I said just now it was found, sometime afterwards, that we had exceeded our powers in passing that act. The powers and privileges of the Parliament of Canada were by the Confederation Act restricted to those enjoyed by tne Imperial Parliament, and it was not until after that date that the Imperial House of Commons possessed the power to examine witnesses under oath. Some time afterwards an act was passed which vested in the Parliament of Canada the same rights and privileges that might be enjoyed by the Imperial House of Commons at the time of the passage of any act of the Parliament of Canada. The clause of the Confederation Act was repealed, and the one under my hand was substituted for it. The matter is so well known to the hon. Minister of Justice that it is unnecessary for me to read it, and a subsequent clause was passed to the effect that the act passed in 1868 to provide for oaths to witnesses being administered in certain cases for the purposes of either House of Parliament, should be deemed to be valid, and to have been valid from the time it was assented to by the Governor General, thereby giving validity to everything that had been done by the Parliament of Canada under the act of 1868, and being to all intents and purposes a retroactive statute. This is the way in which the law stands at present. There is no power to administer an oath to be used here except for evidence to be taken at the Bar of the House, which oath is to be administered by the clerk; but after the striking of the committee, then under the provision of the law, the committee, or any member of it, has power to administer the oath. It is evident therefore, that in a matter which is, as I have said, more a judicial investigation than a legislative proceeding, our powers are so clearly defined that it is almost impossible for us to mistake them. As I remarked just now, it may be said that this course has been followed, on previous occasions. I admit that it has —not without objection—but the fact that those cases have been cited as precedents in favor of such irregularities renders it all the more necessary that it should be the duty of the Minister of Justice to see that these irregular proceedings go no further. Our rules, of course, are directory in regard to the taking of oaths. It cannot be said that this House or either branch of Parliament would have the power to make any rules beyond the authority given by the statute. Any rule of ours with regard to the taking of evidence before a committee of the Senate would be a nullity and void, because there is no authority under the constitution to do it, and nothing less than an act of the Parliament of Canada can make any regulation or direction of that kind; but it is clear, from the express words of the statute, that the intention was that the evidence should be taken at the bar of the House. How was the evidence given here the other day with regard to the service of this notice? By an affidavit read at the table of this House,—I do not call it an affidavit: it is merely waste paper: it is no more an affidavit than if it had been sworn before a messenger of the Senate. That is the only evidence of the service of the notice.

HON. MR. PLUMB—The affidavit is taken before a commissioner for the County of Grey, in the County of Essex. He had no authority to take an affidavit outside of the County of Grey.

HON. MR. MILLER—That would be a fatal objection, I may say, but I do not rest my objection on simple technicalities. It could not be read in any court in this country, because it is not entitled in any court. Every lawyer knows that an affidavit must be entitled in a court to make the deponent liable for perjury. Perjury is a clearly defined crime, the character of

which is well known to all of us. I therefore hope that the Minister of Justice will consider this matter. I am sure that this House—I speak for myself at any rate with the greatest assurance—has perfect confidenee in that hon. gentleman's legal knowledge, and his position entitles him to be heard in any deliberative assembly. A gentleman occupying his position would, of course, be heard conclusively on a matter of this kind. I make these remarks, I repeat, not in opposition to this Bill: because I do not know anything of the circumstances; it may be one which on every principle of justice and morality should be entertained and passed by this House. I do not oppose it on its merits. I am merely opposed to the irregularity which we are allowing to creep into our proceedings in a matter of the most important character—an irregularity which in the course of time will be cited as a precedent.

HON. SIR ALEX. CAMPBELL—Undoubtedly the point to which the hon. gentleman from Richmond has called attention is of very great importance, and I thoroughly acquiesce in the necessity of adhering to the rules laid down with reference to these divorce bills. The affidavit to which my hon. friend has alluded is one upon which, I think, perjury could not be assigned, for the reasons he has mentioned, and for that stated by my hon friend behind me, but I think there is a difference between the rule of the House which relates to the evidence which the House is to receive as satisfactory in regard to the proof of service of the petition, and the evidence which the House is to receive with reference to the service of the Bill. The rule which my hon. friend has alluded to says that the proof of service of the petition, or attempts made to effect it, shall be made to the satisfaction of the Senate; it does not say that proof shall be adduced at the bar. On the other hand, the rule which relates to the service of the bill says that that evidence is to be on oath and is to be adduced at the bar of the House. So there is a distinction drawn in our rules between the character of the evidence which is to be adduced with reference to the service of the petition, and the character of the evidence which is to be adduced with reference to the service of the bill and notice. In the one case it is not in so many words required to be given at the bar of the House, and in the other it is in so many words required to be so given. Therefore there is a distinction between what the Senate may consider satisfactory with reference to these two services. With regard to the service of the petition I think it has been the practice of the House to receive other proof than the evidence of a witness at the bar, although I admit that it is open to the serious objection which the hon. gentleman from Richmond takes, that it is doubtful whether perjury could be assigned. But the practice has gone further than my hon. friend from Lunenburg has on this occasion. After an affidavit is read, it is usual to make a motion that it be considered satisfactory by the House. That would testify that, at the moment, the Senate is satisfied that the petition had been served upon the respondent, or that attempts had been made to effect such service. Whether the House, in view of the fact—which I am afraid is the case—that perjury could not be assigned,—whether in future the Senate would require the evidence of the service of the notice to be made on oath at the bar, is a point which, perhaps, we had better consider further before absolutely deciding upon it. The House will see that the service of the notice inaugurates the proceedings, and it may very well be, that if an affidavit, properly drawn and not open to the objection urged against this particular affidavit, were presented, coupled with the admission made by the respondent in the telegram which has been read to the House, that she has been served with the notice, the House would be satisfied with the evidence, and they might pass a resolution to that effect, under the rule which the hon. gentleman from Richmond has read. The object of a petitioner in making proof in that way is to avoid the expense of bringing a witness here to prove the service of the notice. He is obliged under the rules of the House to prove the service of the bill by a witness at the bar of the House, but he is not obliged in so many words to bring a witness to prove the service of the notice. Therefore the House has indulged persons who have come here for those bills by allowing them

to prove the service of the notice by affidavit, and accepting it as sufficient evidence. I do not think it would be advisable—at all events not without further consideration—to shut off all evidence of the service of the petition, other than by the production of witnesses at the bar of the House. I do not think we should do so now at all events. We will consider the rules further in that respect, and the House might be satisfied with other proof than oral evidence at the bar. I am very glad the hon. gentleman from Richmond has drawn attention to this subject. When he drew attention to it before, I wrote a note to the Law Clerk asking him to watch those bills, and to draw my attention to any irregularities which he might observe in them. He did not notice the irregularity in this instance, and I did not either. I would suggest to the hon. member from Lunenburg that it would be very desirable to supply a second affidavit, properly entitled, and sworn before a proper commissioner, because, as my hon. friend from Niagara has pointed out, the person before whom this affidavit was taken is a commissioner for the county of Grey, whereas he takes it in another county; so, clearly, upon the face of it, this is no affidavit—it is merely an assertion that the paper has been served. I think my hon. friend will do well to supply that want and put in a proper affidavit, that the service was duly made, and then ask the House to say by resolution that the evidence of the service is satisfactory; and I think it will be well for the House to consider the suggestion of the hon. member from Richmond on some future occasion, that suggestion being that we have no power to consider any evidince satisfactory which is not given at the bar of the House. There are, of course, cases in which affidavits may not be entitled in any cause; in this case no cause has been begun.

HON. MR. MILLER—I did not say "cause," I said "court."

HON. SIR ALEX. CAMPBELL—My hon. friend thinks it ought to be entitled before the Senate.

HON. MR. MILLER—No, I do not think any such affidavit can be taken at all.

HON. SIR ALEX. CAMPBELL—Still there is a class of affidavits admitted in Ontario although not entitled in any court, and on which perjury can be assigned. I do not think this is one of them, but there are such affidavits. I suggest to the hon. gentleman from Lunenburg that he replace this affidavit by one taken before a commissioner entitled to administer oaths, and ask the House to accept the service as satisfactory.

HON. MR. SCOTT—My hon. friend has not fully appreciated the force of the remarks of the hon. gentleman from Richmond. Those remarks went to the very foundation of the proceedings, not to the service of the petition, but to the notice which clearly, by our own rules, must be given, and proof of service of the notice to be established under oath at the Bar.

HON. SIR ALEX. CAMPBELL—That is what I spoke of. I called it a "petition," I meant "notice."

HON. MR. SCOTT.—The rule is absolute. The 73rd rule requires a copy of the notice to be served on the person from whom divorce is sought, and proof on oath of such service, or the attempts made to effect it, to the satisfaction of the Senate, is to be adduced before the Senate on the reading of the petition. Now, can it be contended that there is the least scintilla of evidence of the service of the notice? If this were an affidavit it still would not be in conformity with the rule of the House. The oath which is clearly intended there, is an oath at the Bar, unless the Senate dispense with that and pass a resolution saying that they would accept in lieu of it an affidavit. However, the rule is not complied with in that particular. Then, again, as has been observed by the hon. member from Niagara, this is not an affidavit; it is merely so much waste paper—it is not an irregularity, it is an absolute nullity. Suppose this were a proceeding in which Mr. McHugh had a right to administer an oath, he certainly would not be allowed to administer it in the county of Essex any more than one of our pages would. If we permit this proceeding to go on it is simply ignoring the 73rd rule. Now, I look upon the observanc of that rule as of the highest importance in proceedings of this kind. As has been very

properly observed, it is a judicial proceeding, and it is exceedingly important that the parties interested in the case should receive due notice. If a party owed ten dollars or ten pounds, there is not a court of justice in the province that would allow proceedings to go on against him without better evidence than such an affidavit as this. The smallest debt could not be collected in a court of law upon such evidence, and surely it should not be considered sufficient in a matter of such importance as the separation of a man from his wife. Therefore, there is the greatest necessity that at the very foundation of those proceedings there should be at least proper conformity with the rules of the House. I do not think it is a proceeding which we should permit to go on in defiance of the rules. It cannot be presumed for a moment that this is conforming with the rule, because the affidavit which has been produced is, as I have said, simply a nullity for several reasons; in the first place the party before whom the oath was taken had no power to administer it, even in the County of Grey, and, if he had, then he had no authority at all to take it in the County of Essex. He is not an officer clothed with power to administer the oath in that particular district. Outside of the County of Grey he has no power whatever to administer an oath. Any one in the streets could have taken it as well. I think that to accept it would not only be a grave mistake, but it would be laying down the principle that the Senate should not conform to its own rules, and that in such an important matter as divorce we were accepting as evidence a simple statement, (for it is no more than that), that one of the parties who is to be affected by the bill had due notice of it.

HON. SIR ALEX. CAMPBELL.—In speaking I mentioned the word "petition," intending to use the word "notice."

HON. MR. MILLER—Where I differ from the Hon. Minister of Justice is here—and it is a radical difference—it goes to the very foundation of the whole of the evidence adduced. In passing, I may remark that the objection stated by the hon. member from Niagara would prevent that affidavit from being read in any court whatever. Mr. McHugh, a commissioner for taking evidence in the county of Grey, has power only to take affidavits in that county, and for use in the high court of justice for the Province of Ontario. He has no power outside of that which is expressly given to him by the terms of his commission, and Mr. McHugh in the county of Grey, or out of the county of Grey, attempting to take a affidavit to be used in proceedings outside of the high court of justice for Ontario, is guilty of a breach of the law with regard to the administering of extra judicial oaths.

HON. SIR ALEX. CAMPBELL—I agree to that.

HON. MR. MILLER—With reference to the distinction drawn by the Minister of Justice between evidence under the 73rd rule and evidence under the 76th rule, even admitting his contention in that respect (which I do not) he certainly cannot deny that we must have evidence on oath of the service of that paper. Now, waiving the technicality which has been alluded to, I say you have no proof on oath.

HON. SIR ALEX. CAMPBELL—In this case, no.

HON. MR. MILLER—I say waiving the technicality we have no proof on oath. I would bring this matter before the House just as I do now, if that affidavit had been regularly sworn to before a commissioner entitled to take affidavits for the high court of justice for Ontario. My objection is much more important, and much more concerns the character of our deliberations and investigations than any irregularity I could base upon a mere technicality. I say you have no evidence; and I say further there is no power in this country to take any proof whatever on oath in a matter of this kind before a committee is struck, excepting on the oath administered by the Clerk of this House at the Bar. Now, who else can administer that oath? The hon. gentleman will not deny that every commissioner appointed to take an oath is limited by the authority contained in his commission. Mr. McHugh and all other commissioners of the High Court of Justice in Ontario, are limited by the terms of their commissions;

then, what power have they to take oaths to be used before Parliament? Therefore I say we cannot dispense with the rule altogether and take any evidence at all which may be satisfactory to the Senate. We have no affidavit before us. Will the Minister of Justice say to us that the statement of any member, or any statement placed before the House, would meet the requirements of the rule because it might be satisfactory to the Senate?

HON. SIR ALEX. CAMPBELL—No, because it must be on oath.

HON. MR. MILLER—If he admits that, he strikes from beneath his feet the distinction between the rules. I might ask the mover of the bill how this irregularity would affect proceedings elsewhere? Suppose we pass this bill, and send it down to the other House, and suppose any member of that body should raise the objection which, on the face of the papers, is so clear to every awyer, that there is no evidence at all of the service of that notice, is it likely that the other branch of Parliament, and the able legal minds in it, would pass a bill involving such serious consequences as are contemplated in this measure, on proceedings which strike away the fundamental necessity of evidence under oath, which is so strictly enforced in every British court of justice?

HON. SIR ALEX. CAMPBELL—I agree that the evidence must be under oath, and I agree that a commissioner for taking affidavits in a certain court has no power to take affidavits for another court, but I think we require to give this subject further consideration before we commit ourselves to this—that there can be no evidence on oath except that which may be offered at the Bar of the Senate. There are certain oaths which may be given which are extra-judicial, and which are yet legal, and on which perjury may be assigned, and which may be acceptable proof on oath to the Senate. I cannot say before whom such an oath could be taken at this moment—let us suppose an oath to be taken before the chief justice, or a magistrate in his own locality. There are affidavits (I remember some) which are authorized to be taken in Ontario, and persons who are authorized to administer oaths, and it may possibly be—I do not say it is, but it may be, that an oath may be administered by a chief justice, or some officer entitled to administer oaths, which might be considered satisfactory by the Senate, and which might be voted as satisfactory, although not taken at the Bar.

HON. MR. BOTSFORD—Under the discretion given to the Senate.

HON. SIR ALEX. CAMPBELL—Yes, because it does not require to be proved at the Bar of the Senate, whereas the service of the other papers must be proved by evidence at the Bar. The hon. gentleman will admit that there is a distinction intended between those two oaths where it says in one instance proof on oaht will be sufficient, and in the other it must be made at the Bar of the House If it be as I imagine for the moment, that a legal oath may be administered in a case of this kind by some officer in the province from which the application comes then I think that oath being legal might be accepted by the House under the 73rd rule as sufficient. I do not say it is sufficient, I do not think we should admit the view taken by my hon. friend, but I think there is a possibility that such an oath may be administered legally and that the House may properly vote that it be sufficient evidence. We had better examine that matter and bring it up again before we come to the conclusion to which my hon. friend has arrived, after more consideration than I have been able to give the subject, or the House generally has had an opportunity of doing.

HON. MR. SCOTT—It seems to me in reading the rule it is perfectly clear that proof on oath must be at the bar. The qualifying words apply to that part of the rule which refers to the service not being a personal service; that an attempt has been made at service and has not been completed; the words of the rule are: "and proof on oath of such service, or of the attempts made to effect it, to the satisfaction of the Senate, is to be adduced before the Senate on the reading of the petition." It is thus perfectly clear that proof on oath is to be adduced where the service is not a personal one, and where the Senate must be satisfied that the party had notice.

HON. MR. POWER—As the hon. Minister of Justice has intimated that he proposes to consider this matter further, I venture to make a few suggestions differing slightly from those made by the hon. gentleman from Richmond, (Mr. Miller,) and by the hon. gentleman who has just sat down. I think, in the first place, that the objection taken by the hon. gentleman from Richmond has been taken too late. This petition, this proof of service, was offered to the Senate on the 16th of February, and the rule of the Senate provides that this is a pre-requisite to the reading of the petition. Evidence was presented to the Senate on the day I have mentioned, and this House at that time thought that the evidence was sufficient, and allowed the petition to be read. It therefore seems to me rather late, upon the second reading of the Bill, to take this objection.

HON. MR. MILLER—The hon. gentleman must have misunderstood me. I had no desire at all to impede the proceedings which have taken place under that irregularity, because that might do a very serious injustice. I had no desire or wish to do more than call attention to the irregularity, in order that it might not be repeated again.

HON. MR. POWER—I was under a different impression, and the remark of the hon. gentleman from Ottawa (Mr. Scott) left me under the impression that this service was to be looked upon as null and void. I was going to make this suggestion to the hon. gentleman from Lunenburg (Mr. Kaulbach) that it would be only a proper course for the House to pursue, to discharge the order of the day for the second reading and fix it for a different time, notice having been given for a particular day. With all due deference to hon. gentlemen who think differently, it appears to me that the wisest course might be to have the Bill read the second time to-day, and then after the committee had been struck they could give any time they pleased for the Respondent to appear and oppose the granting of the divorce.

HON. MR. KAULBACH.—I have listened attentively to the remarks of hon. gentlemen, but do not feel that any injustice has been done to the person opposing, or likely to oppose, this petition for divorce, by having the bill read to-day. The proceedings to-day do not affect the merits of the case. Therefore I do not personally feel inclined to withdraw it. I agree wtih the hon. gentleman from Halifax, (Mr. Power,) that objection should have been taken before now. I am glad the hon. gentleman from Richmond, (Mr. Miller) has moved in this matter of procedure and brought it to the notice of the House, and I trust it will result in our rules being so arranged that there will be no difficulty as to the proper course to be pursued in the future. I shall act upon the suggestion of the hon. leader of the House and see whether the party can be brought before the Senate to amend the defect which has been pointed out. As it seems to be the wish of the House, I now beg to move that the bill be read the second time on Monday next.

HON. MR. SCOTT.—In acquiescing in the motion, I do not for one moment desire that it should be understood that I at all agree with the observations which have fallen from the gentleman in charge of this bill. I consider that it is perfectly competent to take exception to the bill at any stage whatever, and I shall avail myself of an opportunity to do so when it comes up for the second reading.

HON. MR. PLUMB—I understood my hon. friend to say that there was an admission, by telegram, from the Respondent, of service in this case. Of course, my hon. friend would not undertake to say that was any evidence. We do not know who sent that telegram, and in fact the proceedings are suspicious from beginning to end, in regard to that affidavit. It is a little singular that a commissioner for the county of Grey should have taken that affidavit in the county of Essex, where it would be easy enough to find a commissioner to act. The very fact of a telegraphic notice having been sent would, in my mind, throw suspicion upon the case. I am not sufficiently acquainted with the rules of the Senate in regard to these matters, to offer an opinion, nor am I a lawyer to venture upon a legal opinion, but I think the construction given to the 73rd rule by my hon. friend from Ottawa is a forced one. I think the fact that there is

a comma inserted in part of the rule in regard to the taking of the oath, does not imply absolutely that that oath should be taken at the Bar of the House, or that evidence on oath necessarily means that it should be *viva-voce* taken here.

HON. MR. KAULBACH—I do not, of course, say that this should be legal evidence, but I offer as a reason why I ask the House to grant the indulgence which the party asks.

THE motion was agreed to.

THE PRINTING OF PARLIAMENT.

SECOND REPORT OF COMMITTEE ADOPTED.

HON. MR. SIMPSON moved the adoption of the second report of the Joint Committee on Printing, and explained that one of the recommendations was that a new officer should be employed to replace one who has left the service, such change causing no alteration in the salary previously paid.

The motion was agreed to.

NORTHERN RAILWAY BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (E)—"An act respecting the Northern Railway Co. of Canada," he said—The object of this Bill is to enable the Northern Railway of Canada to issue perpetual debenture stock in the place of their second preference bonds which are about to mature in August, 1884; or to issue terminal bonds in exchange for the same. In either case the interest payable upon the perpetual debenture stock or land is not to exceed the amount of interest payable now upon the second preference bonds. There is also a clause enabling the purchasers to acquire land and right of way along the line of their railway or its branches, or of any railway leased by the Company, or along the line of any railway worked jointly with the railway of the Company. Those are really the two principal objects sought by the Bill, and I beg to move that it be now read the second time.

The motion was agreed to.

The Senate adjourned at 4.30 p.m.

HON. MR. PLUMB.

THE SENATE.

Ottawa, Thursday, March 8th, 1883

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DIVORCE.

A SUGGESTION.

HON. SIR ALEX. CAMPBELL—Before the orders of the day are called, I desire for a moment to draw attention to the subject which was introduced to the notice of the House so necessarily by the hon. member for Richmond yesterday, that is with reference to the proof which should be given of the service of a notice of a petition in a case of divorce. My hon. friend was strongly of opinion that no proof upon oath could be given under the law as it stands except at the bar of the House. With reference to that point, I do not desire further to discuss the question of whether my hon. friend is perfectly right in that position or not, but the subject is one of such great importance that I think, there certainly being a very grave doubt on the point, we should endeavor to remove that doubt, and I think we can do so. In the first place, every one agrees with my hon. friend that it is absolutely necessary we should have such a statement as will be of the most solemn kind with reference to the service of all papers in a divorce case. Everyone agrees with him, I am sure, that the proceedings in such cases, should be conducted with as great care as they would be in an ordinary court of justice, and I am satisfied the hon. member for Lunenburg desires to so conduct this case; and every member who may, unfortunately for himself, have charge of such a bill will also be influenced by the same motive. Now, without wishing to discuss the question whether an authority exists in Ontario who can take an oath which should be accepted here, I find there is a statute under which the House can, if it sees fit, alter its rule so as to require not an oath, but an affirmation, and this statute would impose on a person making a false affirmation all the legal penalties attending the taking of a false

oath, and that is a position in which we would rather have it than the one in which it now stands. That statute was passed when the Government of which my hon. friend opposite (Mr. Scott) is a member was in power. It is the Act for the suppression of voluntary and extra judicial oaths. It recites:—

"Whereas a practice has prevailed of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of any judicial inquiry, or in any wise required or authorized by any law; and whereas doubts have arisen whether or not such proceeding is illegal; for the suppression of such practice and removing such doubts &c."

What is the practice, in some respects is not illegal, but I do not wish to discuss that: the statute goes on to remove such doubts by enacting that no Justice of the Peace shall administer such an oath in an extra judicial proceeding, but if any person desires to make a statement with reference to any fact or dispute or attestation of any paper, he may do so.

HON. MR. MILLER.—That is a declaration, not an affirmation, is it?

HON. SIR ALEX. CAMPBELL.—A declaration. This part which I shall read now would include such a declaration as we require here:—

"And provided further that it shall be lawful for any judge, justice of the peace, public notary or other functionary authorized by law to administer an oath, to receive the solemn declaration of any person, voluntarily making the same before him in the form of the schedule to this act annexed, in attestation of the execution of any written deed or instrument or allegations of fact or of any account rendered in writing, and if any such declaration be false or untrue in any material particular, the person making such false declaration shall be deemed guilty of a misdemeanor."

So that if we alter rule No. 73 and require merely a declaration, then the person making it would be subject to the legal penalties of a person making a false oath. Then, I think a further and additional safeguard might be taken by introducing language into a bill which I hope to present to the House before long, the Interpretation Act, which would give a double security.

HON. MR. MILLER—I presume something of that kind would be necessary, because if my memory serves me right, the act of 1874, which the hon. gentleman has just cited, imposes a penalty where the matter is regulated by law, not by a rule of this House, and by introducing such language as the hon. gentleman suggests in the Interpretation Act, that difficulty would be overcome.

HON. SIR ALEX. CAMPBELL—The Act says:—

"Whereas a practice has prevailed of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of a judicial inquiry, &c."

Then it goes on to say any person may make a declaration concerning any allegation of fact. I, for instance, desire to make an allegation that my hon. friend Mr. Smith does not owe me one hundred pounds: I can go before an officer under this Act and make a declaration of that fact, and if I declare falsely, the legal penalties of perjury follow. In that way we can meet the difficulty, and if any doubt exists in the direction pointed out by the hon. member for Richmond, we can remove it by a clause in the Interpretation Act.

HON. MR. MILLER—The criminal law also imposes a penalty for a false declaration.

HON. SIR ALEX. CAMPBELL—I will give notice of an amendment to the rule hereafter, and we can alter it accordingly. In the meantime the legal gentlemen in the House can consider the rules and the changes which I venture to suggest.

HON. MR. SKEAD—This is a subject of which I know very little. The hon. Leader of the House is speaking of making some alterations in the form of affidavits which may be necessary here, although we have managed to live in this country with them as they are for a long time; but I would suggest that it would be better for the Government to bring in a bill to remove such cases from this House altogether, by establishing a Divorce Court. If that should be considered too expensive, then it might be attached to the Supreme Court; it strikes me, as an on-looker, that there are times

when that court is not over-burdened with work, and they might assume this duty. One strong reason why such a court should be established is the fact that these divorce bills are objectionable to many members of this House. The Government might bring in such a bill as I have referred to, if not this year, at all events next session.

THE LOAN BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (21) "An Act to authorize the raising by way of loan of certain sums of money required for the public service."

He said: This Bill recites the existence of a loan contracted some years ago, which loan is maturing in 1885, and the object of the Bill is to enable the Government to borrow money to meet that loan. The amount of the loan, which is recited in the Bill, is £6,446,000. That loan was contracted in 1860, and was made subject to a sinking fund. That sinking fund has reached the sum of £1,381,325, leaving balance to be provided for of £5,065,675 or $24,651,177.13, which is the amount to be raised under this measure. The Bill says it may be raised in any of the ways mentioned in the Act respecting the Public Debt, as amended by the Act passed in the 38th year of Her Majesty's reign. That is an Act which enables the Government to raise money in any of the ways by which such loans are contracted, that is by debentures payable in England or in Canada, or stock payable in either of these countries. The final provision is that they shall not pay more than four per cent. per annum. Substantially it is a Bill to enable the Government to borrow $24,000,000.

HON. MR. PLUMB—Before the motion is adopted, I would ask the leave of the House to make some remarks upon this loan, and in connection with that, perhaps to say something in regard to the financial position of Canada. This loan, as my hon. friend has remarked, is one which is intended to renew the obligation incurred before Confederation—a five per cent debt. upon which there has been a large accumulation of sinking fund. That debt was created prior to Confederation and the renewal of a large loan of that kind brings up for consideration a great many matters which I think would not be uninteresting, and I think would not be without use if re-called to this hon. body. Although this Senate is not charged with the management of fiscal and financial affairs it certainly is interested, as we are all interested, in the financial condition of the country, and it has the right of supervision over that financial condition. With this feeling I venture, although an humble member of this body, and one who has but recently joined it, to think that the remarks which I may make, and which I do not intend, if I can possibly avoid it, to be tedious, will be of some interest to us all as residents of a common country, and having a common interest in the prosperity of the Dominion. Prior to Confederation it was well understood that difficulties had arisen which made it necessary that the old compact between the two Canadas should be enlarged by taking in the other members of the first Confederation. To that Confederation has since been joined Prince Edward Island, British Columbia and Manitoba, each of them a most important accession to the great strength of this transatlantic dependency of the crown of Great Britain. At the time of Confederation a very considerable debt of the old Province existed, which was assumed by the Dominion Government. That debt was something over $90,000,000; the amount of assets on hand reduced it to $77,000,000. It was represented by about $35,000,000 of assets in public improvements which were tangible and could be put down on paper. The rest of it, however, had been expended in various ways, some perhaps by deficits, some perhaps by larger discounts which the old Province, not being strong in credit in the money markets of the world, had to submit to in the negotiations for loans. But we began at Confederation with a debt of $77,000,000. It was my good fortune last year to be appointed on a committee which had the charge of looking over and examining into the state of the balance sheet of Canada, and it was a suggestion made by the committee that there should be a statement brought down which now appears for the first time in the public accounts, in order that

the people of Canada, and the people of the world to whom Canada applies in the negotiations of her loans should know exactly in what way the large sum which is represented as the debt of Canada had been expended. It is a most satisfactory statement. It will be found there that the debt of Canada, which reaches $153,661,000 net, has been spent very largely for works of public utility, for works which represent great value to the country, and which, although they may not be revenue producing works, have still a value, perhaps in some respect greater even than if they were revenue producing, affording, as they do facilities for navigation, and affording facilities for connecting easily the great distance by which those provinces are separated—all of which, as testified to by the late Finance Minister when negotiating a loan for Canada, were not only for the benefit of this country, and of the Imperial Government, but of the world at large. It is noteworthy that up to 1874 the increased debt did not represent by $12,000,000 the amount which had been expended upon those works, for the large revenues of the country after 1867 enabled the Government of that time to expend $12,000,000 from revenue in works properly chargeable to capital. That state of things illustrates the strength of the position of the Dominion; illustrates its claims upon the confidence of the moneyed men of the world; illustrates its right to ask the Parliament of Canada to-day to authorize the Government to negotiate a loan, not at five per cent., not at a discount, but probably at a premium, and bearing the rate of 4 per cent. interest. By a short reference to the condition of things at the present time it will be seen that the claim of Canada upon the confidence of investors is, perhaps, as great as that of any other money-borrowing country. It will be found in the trade and navigation returns now before us that the revenue of the country last year was $33,383,455; the expenditure was $27,067,103, giving a surplus of receipts over expenditure amounting to $6,316,352. It will also be found that that surplus was expended very largely upon capital account, not increasing the public debt, and that during the last year the public debt was absolutely decreased by the amount of $1,734,129. The expenditure out of revenue chargeable to capital account was $7,351,052; a total of $9,085,181. This was partly paid by the surplus receipts of the year of $6,316,352; $1,600,00, or $1,700,000, of it was paid by sales of land in the North West, which is, and will be a great source of revenue to the country, and part by the increase in the bank note circulation, which is a debt without interest. But this is not all; the amount of property which the Government can show is over $135,000,000, the net debt being $153,661,000. It shows that $18,000,000 only is the difference between the amount of assets and the total debt, the whole debt at Confederation being $77,000,000. It shows that $40,000,000 of the debt prior to Confederation, is not represented by the assets given in the statement included in the debt of the present day, and that of the assets of $135,000,000 a very large proportion is represented by the debt made since Confederation. It may also be mentioned that in 1873 a debt of $16,500,000 which was not taken over at Confederation from the Provinces of Ontario and Quebec was assumed by the Dominion, and by that means a very large annual burden was taken off the Province of Ontario, and a large one also from the Province of Quebec. That debt is a part of the consolidated debt of to-day. It saved Ontario an interest payment of $291,000 a year. That was five-ninths of the interest charge, the proportion payable by Ontario. Four-ninths of the interest was also saved to the Province of Quebec, and although it has been charged that, a large increase of the public debt took place during the administration of the Conservative Government prior to 1874, one of the items certainly is one that neither Ontario nor Quebec should object to. The debt now standing at $153,661,000 includes a savings bank deposit of $21,078,000. No better index, perhaps, of the prosperity of the country can be found than the enormous increase in the savings deposits in the banks of the Dominion. These deposits have increased in the last three or four years very largely, and are a kind of barometer that shows conclusively that the working classes, those who are making small savings, have been prosperous throughout the country. There can be no false indication there. The money

has been saved; the money has been deposited, and it shows conclusively that the working class, though depressed and suffering five or six years ago, are now in a condition in which they are earning more money than is necessary for the support of their families. It looks as if it were an assurance that the policy which has been adopted by the present Government has been so far successful that it has provided profitable employment for the laboring classes of Canada. The Dominion note circulation has risen to $15,807,000. I have never been an advocate for a large issue of Government paper; I do not believe in the policy; I have never believed in it. I believe that the chartered banks, under proper control, should be permitted to enjoy a main share of the circulation of the country, but it is perfectly legitimate for the Government to have a portion of the circulation, a circulation that is not forced—that which comes naturally, and the banks should be permitted to use that circulation largely, as a rest by which they are saved from holding other idle capital in their vaults. The debt payable in England in 1873 was $132,122,875. The average interest on that debt was 5.36. A great indication of the increase in the prosperity of the country—a great indication of the increase of public confidence in the country—may be found in the fact that the average interest to-day on that debt is reduced to 4.39 per cent., and it is well to call the attention of hon. gentlemen to the fact that upon the debt as it now stands, the difference between the 5.36 per cent., which was the rate of interest in 1873, and 4.39, which is the rate of interest now, is a saving of over $1,260,000 a year. There are also indications of the increasing prosperity of the country to be found in the very satisfactory tabulated statements which appear in the Trade and Navigation returns. These are cumbrous statistics, but an analysis of the main features will be satisfactory to every one who desires to know accurately what the true condition of our country is, and how we stand as compared with other countries. In 1875 our exports were $77,886,000; imports entered for consumption were $119,618,000. Making a balance against us of $42,200,000. In speaking of imports I give the figures of those entered for consumption only. Our imports in 1876 were $94,733,000. Our exports that year were $80,966,000. In other words we imported $14,000,000 more than we paid for by exports. In 1877 we exported only $75,875,000, and imported $96,500,000,—making $21,500,000 more than we paid for by exports. In 1878 we exported $79,323,000, and imported $91,199,000. We were $12,000,000, behind that year. In 1879 there was a change in our fiscal policy, and there was a slight turn in the tide. Our exports were $71,491,000, and our imports were $80,341,000, a difference of $9,000,000. In 1880, the policy of the present Government having been then fully established, we exported $87,911,000, and imported $71,782,000, making a balance in our favor of over $16,000,000. In 1881 we exported $98,290,000, and imported $91,611,000, making a balance of $6,750,000 in our favor. In 1882 we exported $102,137,000, and imported $112,648,000 making a balance against us of $10,500,000. Our imports of dutiable goods last year amounted to $85,757,000 on which the duty paid was $21,700,000, or an average of almost 25 per cent; but if we add the free imports amounting to $26,891,000, the percentage of duty on the total imports will be found to average 19.27 per cent.

A great deal of stress has been laid on the heavy burden thrown upon the consumers by the tariff policy of this Government. It was stated in another place, and stated authoritatively, that the tariff as adopted in 1879 imposed an average duty of 22.50 per cent. That was the worst charge that could be brought against it by the then leader of the Opposition, and that I think, is not very far from the truth as seen by the returns of imports of dutiable and free goods I have already quoted from. If we turn to the United States, we will find that their imports for last year including free and dutiable goods, were $729,000,000, on which the duty paid averaged 28 per cent., nearly fifty per cent. higher than ours. Of our imports last year over $51,000,000, or nearly one-half of the whole imports of the country were from Great Britain, and it is gratifying to find that the policy of the Administration has not in any way tended to weaken what has been called, and very properly called, the golden bond between the mother country and one of

her greatest dependencies. From the United States last year, we imported $33,000,000 of dutiable goods, and $15,000,000 of free goods. Of course the disproportion between dutiable and free goods imported from a country which is our near neighbor, separated only by an imaginary boundary, will be far greater than in the imports from any other country. We find also in the Trade and Navigation Returns, most interesting and important statistics, with respect to the growing commerce of Canada. We find that last year entries of vessels into Canadian ports, under the British flag, were 7,344, out of a total of 10,638. The total tonnage of those vessels was 3,933,152. There were entered under the flag of the United States 2,387 vessels, having a tonnage of 950,453—about one-fourth of the commerce, although we are such near neighbors. The vessels entered under the flag of Norway and Sweden, numbered 704, with a total tonnage of 387,652, while those entered under the French flag numbered 58, with a tonnage of 36,286. Of the English shipping entering our ports 1132 were steamers and 6,282 were sailing vessels. Of other countries 1257 were steamers, and 2,057 sailing vessels. This is a most gratifying exhibition of the great trade which is rapidly increasing between the Dominion and other countries—particularly with the mother country. But the statistics of our inland navigation are even more gratifying. In Ontario ports the Canadian entries were 4,681 steamers of 1,011,185 tonnage; United States steamers, 2,731, of 473,237 tonnage; Canadian sailing vessels, 5,587, of 729,612 tonnage; United States sailing vessels, 2,230, of 196,748 tonnage. For Quebec the entries have been: Canadian steamers, 290, of 58,506 tonnage; sailing vessels, 754, of 66,083 tonnage; United States steamers, 115, of 9,594 tonnage, and 1,062 sailing vessels, of 105,580 tonnage. In the Nova Scotia coasting trade the arrivals have been 6,615 vessels, of 709,167 tonnage; departures, 6,857, of 812,905 tonnage. In New Brunswick the arrivals have been 4,435, and 4,426 departures, with a tonnage of 815,957. The coasting trade was greater even than this. Of British vessels there arrived in transire 1,598 steamers and 7,463 sailing vessels, a total of 9,061, with a tonnage of 1,336,990, and crews numbering 63,479 men. Of foreign steamers the entries were 56 steamers and 49 sailing vessels, total 105 vessels of 64,726 tons, and 1,890 men. Coasting under license there arrived 17,298 steamers and 11,496 sailing vessels, making 28,794 vessels with a total tonnage of 6,111,827, and 300,975 men. That, I think, gives an idea, but only a vague idea, of course, of the vast connections which Canada has with the outer world, of the great and growing importance of her trade, and the necessity that exists for proper laws to regulate that trade, and it also gives us a glimpse from what now is, of what may be the future of this great country, if that future is regulated by salutary laws, and if a policy is adopted which will tend to foster, and encourage the industries of the Dominion and develope its commercial interests. I have had the curiosity to see how our position compares with that of the great country alongside of us. We are constantly hearing of the enormous growth and development of the United States. We hear of its rapidly increasing trade. We hear that it is overshadowing every other country in the world in the rapidity of its growth in wealth and population; and there are not wanting those who in every public discussion in this country bring up the Republic as an example, now for a warning, and again for our encouragement. It was frequently referred to on the stump, in the press, and on the floor of the House when we talked of establishing a protective policy; it has been held up to us as a warning in other respects. It has been held up to show us that it had recovered from the financial depression sooner than we did. It has been held up to us as offering such attractions to our people that it was taking from us the bone and sinew of the country. Those who thus referred to it were not always logical in their arguments, because while they largely attributed the exodus from this country to the fact that we had adopted a protective policy in humble imitation of the United States, and the people were leaving us on account of that fiscal policy, it was not always stated that they were jumping from the frying-pan into the fire, in going to a country where a stringent policy of protection had been for years in force,

and had contributed so largely to the state of prosperity that attracted them thither. As compared to Canada the population of the United States is about ten to one; therefore the statistics of Canada in regard to trade, multiplied by ten would show what ought to be the due proportion of the same comparative statistics of the United States. It is a very easy thing to calculate, our population reaching very nearly five millions, and the population of the United States being about fifty millions, but it must be remembered that when we compare populations there is a vast difference in one respect. Canada is the home of a thriving, intelligent, industrious people, standing largely upon an equality in respect to holding the franchise, and in respect to the intelligence by which that franchise is exercised. Unfortunately in the United States at the outset there was an introduction of a servile population; the troubles which arose out of slavery and culminated in the war of 1860 still left that servile eliment large ly in possession of the land it had tilled. The slaves, notwithstanding their manumission, and the bestowal of the franchise —notwithstanding everything that could be done for them in the way of education, have proved to be as one might say *adscriptus glebae.* Most of them are still on the soil on which they were born and cannot leave it, and in any comparison between the United States and Canada a large allowance should be made for this condition which takes off nearly one-tenth from the active population, not producing wealth in proportion to their numbers nor consuming imports or manufacturing in such proportion because for the most part they are in a state of great poverty and live principally upon the products raised around their own little cabins. It would be impossible to go into that calculation now, but I merely suggest it as being one of the factors in making comparison between the two countries. I will now mention a few instances in which I think I can show that Canada will compare favorably with the United States in some of the larger items which go to make up the trade prosperity position and wealth of a country. The net imports of the United States in 1881, which is the last return we have, were $729,000,000. Ours for that year were $112,648,000. In order to arrive at the exact proportion between Canada and the United States, as compared with population, ours should be multiplied by ten, and that would require that the United States should have imported $1,112,648,000, instead of $729,000,000. The exports show the same disproportion to population. The exports of the United States for the year 1881, amounted to $848,000,000; ours amounted to $102,000,000. In order to make the exports of the United States equal to the exports of Canada, in proportion to population, they should have exported $1,020,000,000. Yet there are gentlemen constantly complaining that under the present policy our exports are not satisfactory. They are certainly much larger than those of the United States in proportion to population—larger by nearly 25 per cent. In 1881 the debt of the United States proper was $1,785,000,000.; ours was $155,900,000; in the same proportion ours should have been $178,000,000.—therefore our debt is less by 15 per cent, but it does not state the whole case. The debts of the States were enormous—the debts of the States and cities and towns I think, were about eight hundred millions. This will add fifty per cent to the public indebtedness of the United States. There is no such proportionate debt existing in Canada as the provinces are not indebted to any large amount, and the debts of cities and municipalities are proportionately very small. These should be all considered in making such a comparison as I have suggested. Now, referring to the immigration into the United States: The last returns that are given are for the year 1881, and state the number at 661,000. If they are calculated, as in some cases we know they have been, where the Custom House officer, or an officer appointed to collect such statistics, counted all the people that came over by ferry boat between Sarnia and Port Huron, we may take this return of 661,000 with a considerable grain of allowance. But we will assume that they are correct; it is said that our immigration this year will reach 113,000, and if so, in order to shew the same proportion, immigration into the United States should have been 1,130,000 instead of 660,000, which is represented here. Now we claim that we have not only

expended money which represents our public debt, in works of great utility, we assert that we can not only shew value for the money that has been spent, but we also claim that we have what no other country in the world possesses, namely, a domain which, if properly husbanded, will not only pay the debt but will leave a surplus as great as the debt after it is paid—I mean the great North-West, which we have acquired and is now public property. We claim 250,000,000 of acres there, less 25,000,000 of acres given as a subsidy to the Canadian Pacific Railway Company, as affording the greatest, most fertile and valuable wheat belt in the world, unoccupied; and we claim that with its vast fields for cattle raising, its mines and its untold advantages free to the immigrant, who has nothing to do but turn up the soil the first year to get a crop that will pay for his land—that we possess a heritage which will be priceless to the people of Canada, and which as a basis for any indebtedness which Canada may find it necessary to incur, is ample security as it now stands, with the Canadian Pacific Railway proceeding so rapidly that it will be open to the base of the Rocky Mountains at the end of the present year, and will be completed in four years, travercing the whole continent, from salt water to salt water. We claim that in consequence of the increasing value of that land and the amount of immigration that will go there in the future, it is impossible for any man to over-estimate its importance, and that it forms such a sinking fund and such a security as is in the possession of no other country in the world. The United States have also a great public domain, but the comparison holds good in the same way in regard to the square mileage as it does in regard to that territory to which I have called the attention of hon. gentlemen. The public land of the United States, taking out the ice-bound region of Alaska, amounts to 1400 millions of acres, and the fertile portion of ours to 250 millions of acres; but in order to make theirs equal to ours their area should be doubled, or they should have 2500 millions of acres,—and the same rule will hold in respect to many other matters of comparison with which I will not weary the House on this occasion. I drew attention to these subjects because I thought this was an occasion when one might venture to touch upon them even at the risk of taking up the time of this hon. body, in a way that a new member perhaps might not venture to do;—but I thought it was an opportunity when it would be well to take stock of our position in some such form as this, and through the House to shew the country at large, in some feeble way, what our true position might be. It is agreeable also on an occasion of this kind perhaps, to us who have been firm believers in the fiscal policy which has been adopted, to note the difference between the condition of Canada now and what it was 6 or 7 years ago. At that time we were in the midst of gloom, darkness and disaster, and hopelessness was stamped upon the face of almost every business man. There was a bad outlook for the future, and at the outset of the Administration which preceded the present one the future of Canada was painted in colors so gloomy that it was marvellous there should have been any confidence among the money lenders, or any subsequent prosperity in the Country. During that time—between 1874 and 1878—large negotiations had to be made which were not otherwise imperative upon the then Government except for the purpose of renewing loans or fulfilling Confederation obligations. They came with clean hands—with a clean sheet—without any obligations whatever upon them. The Pacific Railway Act was repealed and they had no liability there, except such as they chose to assume, and their other obligations were not of such a character as to make it necessary, in the midst of depression, to incur any new public liabilities. But a large increase to the public debt was made;—a negotiation was made in 1876 in the month of November, of a 4 per cent loan, and that loan was preceded by a statement of the position of Canada, giving some of the statistics in regard to expenditure of revenue upon capital, such as I have referred to here. That 4 per cent. loan was floated at a time when there had been such a stagnation in business in England, such great depression there, that there had been a vast accumulation of money in the London money market; for gentlemen are well aware that one of the peculiarities of want of confidence, or of great depression, is a low rate of interest and great accumulation

of money. It is a high rate that precedes trouble, and afterwards there is complete stagnation, and at the time to which I refer money in the great centres of trade—in London, and Paris, and the other great financial centres—was ranging at very low rates of interest, from one per cent. to one and a quarter, and sometimes even less than that. At that period the late Minister of Finance went to London to negotiate a loan of £2,000,000 sterling; the loan being at 4 per cent interest, and guaranteed by a proper sinking fund. That negotiation was made, and it was considered a great financial triumph by the supporters of the then Government, and was boasted of as an achievement which ought to reflect much credit upon the hon. gentleman who made it. Nominally the loan was made at about 91, but considering the allowances for interest—that it drew interest from the time it was issued, and that the last payment was not due until the following July, by a statement carefully prepared it was found that the loan produced a net result of less than 87 and a half cents. on the dollar. That statement has been made and has gone unchallenged.

HON. MR. SCOTT—No, no.

HON. MR. PLUMB.—It has gone uncontradicted. I am sorry I have to differ from my hon. friend.

HON. MR. SCOTT.—I contradict it now.

HON. MR. PLUMB—I am speaking of a different kind of contradiction, which should prove that the statement is not correct by figures. The figures have been produced and those figures have never been contradicted by the gentleman most interested, that is the gentleman who negotiated the loan. I state that upon my responsibility as a public man, I have never heard such contradiction, and I have made the statement frequently in the presence of the gentleman himself. I say there was a discount of 12 and a-half per cent. on that loan, but he did not think it desirable to stir up that question any further lest we should find that even a worse bargain was made. I may be mistaken. I speak under correction, and if any paper can be produced which shows I have made a mis-statement, I shall be most happy to recall it, but up to this time no such paper has been produced. When the present Administration came into power it was found that a very large loan was falling due in England—on the 1st of January then coming—and no provision had been made for it. It had to be arranged, and the moribund Parliament of 1878 had not dealt with it, nor had the Minister of Finance of that day done so. Consequently the present Finance Minister, upon coming into office, was embarrassed by the immediate necessity of being compelled to proceed to England to arrange that the credit of Canada should be saved, and to attain that object he was obliged to negotiate a loan of some $8,000,000. That loan was at 4 per cent., and he arrived in England in December, just after the failure of the City of Glasgow Bank had destroyed public confidence, and had paralyzed public credit. He was compelled, in order to save the credit of the country, to offer that loan upon the money market just when this failure occurred; and before the effect produced by it had worn away, the West of England Bank failed, giving another shock to investors; but such was the confidence that had been established—in my judgment by the change of administration and the promise of a different policy—that, whereas the heaven-born Minister of Finance on the one hand sold four per-cent. debentures at 87 and a-half cents at a period when money was a drug at one per-cent, and when he had plenty of time to make a negotiation and did not want the money immediately, and gave a credit of about eight months upon it,—the other loan was negotiated at about 96, and was of the same character, bearing the same rate of interest, and having the same kind of security. I think that shows pretty well the difference in the estimation of the public between the two policies, which were then upon their trial upon the most severe test that can be applied, viz.; the test of the money market, which does not know any friends and has no particular political proclivities. But there is more than that: that loan negotiated at 96, where does it stand now? And where does the loan negotiated at 87 and a-half stand? At 104 to 105.

HON. MR. SCOTT—Hear, hear.

HON. MR. PLUMB—The hon. gentleman is quite right, I wish to emphasize that statement, and the hon. gentleman is kind enough to enable me to do so. The difference is one which will hardly bear dispute as to how it came about. I say that with the policy of seven or eight years ago, a loan offered with the whole credit of Canada, when there was abundance of money, brought 87½ cents; and the loan offered under most adverse circumstances three or four years afterwards, sold at 96; whereas both of those loans are now selling at 104, which certainly offers food for reflection to everyone, and leads to the conclusion that there is something in the change of policy and of administration to account for the position of the country to-day with its largely enhanced credit, notwithstanding the fact that the Government had the temerity to attempt to subsidize the great work which is to unite the two oceans, and had given a subsidy which it was declared would ruin us to pay. In regard to that subsidy—which will not be fully payable until the time when the work is completed,—I think the interest and a sinking fund sufficient to pay it off will be raised out of the customs receipts at Winnipeg and at Emerson. Those last year were $1,050,000, and if you take a sinking fund on $25,000,000 at one half of one per cent. it would be $125,000, and interest at 4 per cent. would be $1,000,000 more, so that the receipts from customs at Winnipeg last year were nearly enough to relieve us of the whole burden of the subsidy given to the Canadian Pacific Railway. This, as I said before, we could pay out of the Customs receipts at Winnipeg alone, and that is entirely in consequence of the policy which has opened that vast country. The receipts from the Land Office last year were $2,250,000, and they have only begun. We were laughed at for saying that there would be sales to a certain amount, and that a certain population would go into that country. A calculation was given by Sir John Macdonald in 1880, and was ridiculed by those gentlemen who have no confidence in the progress of the country, and who are always desirous that we should take a retrograde position. But it has been more than fulfilled. The ratio for this year has been much larger than that which was anticipated or predicted during the discussion when it was proposed to have a large amount of land put aside for the purpose of completing the Canadian Pacific Railroad. I know that statements of this kind are of a tedious character and I shall not weary hon. gentlemen by going further into them. There are many more subjects which are most interesting and which would be entirely germane to an address such as I am making, but I will refrain from trespassing upon the patience of the House. I only say this, that we are a prosperous country; I only say that with regard to the country alongside of us, and our position, I have endeavored in some slight degree to make a comparison. Amicable trade relations now exist, as I hope they always will, between the two countries, as it is the interest on both sides to maintain that cordial understanding; we are both engaged in carrying out a great experiment, one in which the whole world is interested—the experiment of self-government—in which it is the great interest of the world should be allowed to proceed. I know that on our side we have seen some of the elements of true freedom which are not possessed by our neighbors on the other side, and one of those we have taken from the British Constitution. I believe it was said when the charter was granted by which the separation of the two Provinces of Ontario and Quebec was made by the British Crown—"we have the true form and impress of the British Constitution." The great difference between us and our neighbours upon the other side, apart from universal suffrage, is that we have responsible Government, responsible directly to the people, and that feature cannot be found in their constitution. We have also that which I believe is most important for the preservation of liberty, we have an unwritten constitution—a constitution of precedent rather than an iron bound form of words, which every country must outgrow, and which can be only changed by political violence which it is not at all desirable to provoke. I have said that it is desirable we should make our marches forward in parallel lines—that the true mathematical definition of parallel lines

should be applied to our position in connection with that great country, which gave me birth, and of which I shall always speak with affection and respect, and which I hope I may always regard with admiration. It is true I can see its faults, but it has virtues which I understand even more clearly, and I say we should go on as if we were proceeding in parallel lines and no matter how close those lines may approach they never should meet. There may be different opinions in respect to the matters to which I have referred here, but one thing is certain, viz: that we by some great change are now in a position where the workingman instead of seeking employment finds employment seeking him, where the industries of Canada have been developed in a most remarkable degree, and where every man finds a good day's wage for a good day's work; where in fine, as is shown by the increase in the savings of our people, prosperity instead of disaster has come home to every laboring man. This is the foundation of the prosperity of Canada, and I hope it may long remain so. There is no doubt as to the existence of great difference of opinion about the manner in which the industries of the country should be protected, many gentlemen going so far as to say that all manufacturing centres of population are objectionable, and that we should depend almost entirely upon the tillage of the soil. Now, while it is conceded all over the world that the true basis of prosperity is agriculture, and while it is acknowledged that without prosperity in that direction there can be no prosperity elsewhere, it must be remembered that we are not all farmers, and that many have other gifts—that there is great range for industrial enterprises, and for inventive talent, which require that there should be other industries developed in a country than those of agriculture. The example of the south is a pertinent one: the south, failed largely because it depended entirely upon agriculture, and it has been an illustration of the fact that no country ever became permanently great which depended upon agriculture alone. Not that I wish to be understood as in any way decrying the great industry by which we mainly thrive and prosper, but I say that whatever may be the difference of opinion in regard to the policy which has been adopted, one thing is certain, that we are now—and I trust we may long be—in a state of advancement and prosperity. How or where we shall look for the true reason for that prosperity I will not discuss. First, however, I know this, that it comes from that good Providence to whom we must all look up, and which is the primary source of all we possess, and of all we enjoy. Next, I think it may be attributed to the fact that no country is blest with a more thriving, industrious and enterprising set of men, or more thrifty and deserving women, than the Dominion of Canada. But I think after we have made these acknowledgements, that some little credit will be left to those who took Canada out of her slough of despond, by adopting a policy which has been so successful in giving Canada to the Canadians as far as it could be given, and in creating a demand for our own industries here, making a home market and giving employment to those who had been compelled by lack of the kind of employment they desired, to seek it elsewhere. I trust, however much gentlemen who have listened to me may differ from the views which I have expressed, that we should all consider it is our duty to unite in sustaining a system which, so far, has conduced I think conclusively and undeniably to the advantage of this great Dominion of ours—which, I hope, may go on with increasing prosperity to the end of time.

HON. MR. SCOTT—So long as the hon. gentleman who has just taken his seat confined his observations to speaking of the growth and prosperity, the increased exports and imports of the Dominion, in well-rounded sentences, varied by extracts from blue books, it was not necessary that any comment should be made upon his remarks, but he could not let the opportunity pass without having a fling at the late Government, and in so doing he has placed himself in the position of making statements which were not in harmony with the facts. I do not propose to criticize all the quotations the hon. gentleman made from the blue books, though I know he was wrong. I do not suppose he made the statements advisedly, I have no doubt they were made without full knowledge of the facts; but the hon. gentleman speaking of the importations, gave us his impression of how they were

swelling up, and said that in 1881 the importations had gone up to $119,000,000. Now, the importations were $91,000,000 in that year. I merely mention that as showing that wherever the hon. gentleman's figures are tested by reference to the blue books they do not agree.

HON. MR. PLUMB—Will the hon. gentleman repeat.

HON. MR. SCOTT—The hon. gentleman said our importations had risen up to $119,000,000, in 1881, and they were really $91,000,000 in that year.

HON. MR. PLUMB—I said they were $91,000,000.

HON. MR. SCOTT—I understood the hon. gentleman otherwise—he intended to say it, no doubt.

HON. MR. PLUMB—I showed they were $7,000,000 less than the exports.

HON. MR. SCOTT.—I do not propose to advert to those extracts taken from the blue book, which we can all get correctly by referring personally to them, but I do propose to express, at all events, my dissent from the conclusion which the hon. gentleman reached when he thought he had an opportunity of a fling at the late Government of the Hon. Alex. Mackenzie. He said that that Government inherited no responsibilities, that they came into office with a clean sheet and no responsibility at all from their predecessors. The hon. gentleman's memory must surely be at fault. I think there was a treaty made by the Government of Sir John Macdonald, with British Columbia, to which Canada was bound by solemn obligation, to complete within ten years the railway to the Pacific coast. If my memory serves me, I think the party with which the hon. gentleman is allied lost no opportunity, in parliament or out of parliament, of denouncing the bad faith that the Goverument of Mr. Mackenzie was manifesting towards British Columbia, because in 1874-75 they had not hastened the construction of the railway, because they were so slow in beginning, and hesitated about incurring so large an expenditure, and now the hon. gentleman tells us forsooth, that the late Government incurred no responsibilities, and were not bound by any financial ties to increase the debt of Canada. Does the hon. gentleman forget that about the time the change of Government took place, tenders had been called for, involving a very large expenditure in the enlargement of the Welland Canal, which is just now about being finished? He surely must forget that contracts had not even been given out for some of these works. I believe one or two had been awarded, but the great majority of them, certainly nineteen-twentieths, had not been given out, although tenders had been called for.

HON. MR. PLUMB.—Hear, hear!

HON. MR. SCOTT—I assume I am correct. Then in 1873, the policy of the Government was announced to be in favor of the enlargement of the St. Lawrence and Lachine Canals. They were all part of the general system, and I am not now criticising the Government of Sir John Macdonald in committing this country at that time to these important public works. If one had to be undertaken, all had to be dealt with, and they were undertaken in the interest of the people of this country; but when that was done, and the Government of Mr. Mackenzie inherited those obligations, it is rather remarkable for a gentleman who pretends to be versed in the political history of Canada to entirely ignore that fact, and to say that the Mackenzie Government heaped up the public debt, having inherited no responsibilities and being in no degree liable to the people of this country to carry out the obligations of their predecessors. I have always understood that a government, to a certain extent at all events, inherited the policy of its predecessors, not altogether, not absolutely in every detail; but certainly when a country has committed itself to a particular policy such as we did in regard to British Columbia, those gentlemen who dissented from the terms and considered them entirely too sweeping, when the treaty was signed and British Columbia came in, felt themselves bound to comply with its terms, provided that Canada was not absolutely sunk in the attempt to carry out the treaty. But aside from that, if the hon. gentleman will look up the figures, he will find that in the year 1873 our annual liabili-

ties were very largely increased, entirely apart from those liabilities chargeable to capital account. The hon. gentleman will see that we were obliged to go on and finish the Intercolonial Railway which had been left unfinished at the time of the change of government. We had to go further into debt; we had to borrow money to meet the obligations of this country. But there were other obligations incurred by that Government in 1873 which have been discussed over and over again, inside of Parliament and outside of Parliament, and I only refer to them now in order that the hon. gentleman's memory may be refreshed, and he will see how unfair his remark is that Mr. Mackenzie's Government was responsible for those charges. The expenses of Civil Government were increased nearly a million dollars. There was not a single branch of the service that year that did not get an increase. The salary of every Government official was increased from ten to twenty per cent.: members of Parliament received an increased allowance at that time, when everything looked so golden and bright. Could Mr. Mackenzie's Government change all that? It was crystallized into an Act of Parliament. If the hon. gentleman will look at the public accounts, he will see that the increase was in what is known as the controllable expenditure. During the five years that Mr. Mackenzie's Government held power the reduction was in that very class of expenditures. Instead of an increase there was a diminution. It only occurs once in the history of the Dominion. It is rather strange that before that time there was a gradual growth of the controllable expenditure, that between 1874 and 1878 there was a reduction, and that since 1878 things have gone back to their normal state, and the controllable expenditure has increased year by year, until it is now far in excess of what it was in 1878. The hon. gentleman indulged in a fling at a gentleman who is not now in Parliament. I am not going to defend him now: he has defended himself, and I think proved to the satisfaction of all unprejudiced minds, that he, in negotiating the various loans in the London money market, did just as well as the time and circumstances warranted. The hon. gentleman seems to imagine that a minister, going from this country, is, by his presence, in some way to get larger and better terms for his loan than another individual would. Such an idea is utterly fallacious. The hon. gentleman ignores the circumstances of that time, the intervening time, and the present time. My best answer to him is in the statement he himself has made to the House. He tells us that Sir Leonard Tilley went to England in 1879 and got a loan at, I think he said, 96, and that it was in consequence of the policy of the Administration. Now the hon. gentleman knows very well that the N. P., as it is called for shortness. was not introduced for months after that—not until the session of 1879—at all events, it was not in existence at the time Sir Leonard Tilley was in London, that is clear, because he went soon after the election was over; so it was quite in advance of the fiscal change in the policy of this country. Sir Leonard Tilley fell on better times. The loan which the hon. gentleman supposes was floated at 96 that year is now quoted at 104. I might with just as much propriety reflect on Sir Leonard Tilley, and say that he ought to have got 104, as my hon. friend does on Sir Richard Cartwright, when he says he ought to have got more in 1874-5 than he did, because the loan was worth more some years afterwards. In 1874 the United States had a large number of sixes out and on the larger portion of their debt they were paying five per cent; they thought about 1877 and 1878 that they had scored an immense point when the Secretary of State of the United States announced to Congress that he proposed to call in fives and sixes and replace them with four per cents. The world stood aghast; they said it could not be accomplished, but he did accomplish it, and he succeeded in reducing the interest to an enormous extent, and was enabled to devote a large sum which had previously been paid in interest to the reduction of the debt. But what do we find? That has been eclipsed in four years. In 1876 no statesman believed that it was possible in so short a time as seven years to put American securities on the market at three per cent. They are at three per cent now, and cannot be bought in the open market at par. Is not that a simple answer to the hon, gentleman's statement? Sir Leonard Tilley made the best bargain he could

when he went to London. Any statesman would do the same; his anxiety would be to serve the people he represented, well, and to stand well with the people of his country. That would be a sufficient motive even though his personal honor was not a sufficient lever to accomplish that result. Sir Richard Cartwright did the best he could in his day; but those loans do not depend on the presence of a finance minister at London. They are all negotiated through our agents, Glyn, Mills, & Baring. They adopted the very best means to obtain the highest rate they could get. Sir Richard Cartwright's was the first Canadian loan negotiated at four per cent. The hon. gentleman says "you did not get four per cent, you sold below par." Quite true, we sold below par, but Sir Richard Cartwright did this: he accustomed the moneyed men of Europe to the fact that Canada expected to borrow money at four per cent; and, that if she did not get it that year, she expected it in the future. At all events, it broke the high rate of interest. I remember when the hon. gentleman who leads this government was paying eight per cent for money. It would be perfect folly to blame him for paying such a rate. He did the best he could in his day; he did not control circumstances and times. The money markets of the world are above anybody's control. The same causes which enabled the people of the United States to bring down their rate of interest have enabled Canada four per cents to be quoted on the money market at 104. The hon. gentleman's remarks are, if anything, a condemnation of Sir Leonard Tilley as much as they are of Sir Richard Cartwright, because he says that the loan of 1879 is now quoted at ten per cent. above what it was when it was first put on the market. Is that fact a condemnation of Sir Leonard Tilley? No, it is evidence that Canada is growing in importance and prosperity; the capitalists of the world are placing faith in Canada; our growth is regular. It is very gradual, it is true. I remember, as I have said—I was then in public life—when we paid eight per cent. for money; we are to-day paying less than four, and let us hope that the time is not far distant when we shall be able to do as well as the United States. There is no reason why we should not; our credit ought to be just as good as theirs. As the hon. gentleman has said we owe relatively less money than they do, even with the large expenditure on the Pacific Railway, and other expenditures which might be minimized or economised. But our expenditure has been of that character that ought to lead capitalists to take our debentures at three per cent. as well as they do those of the United States. It is true that our neighbors have been paying off a large portion of their debt. The hon. gentleman, in comparing our position with theirs, pointed out their large indebtedness as compared with our own; but he forgot to tell us that that was due entirely to the circumstance of the civil war between the North and the South. It was a war debt and they have been paying it off with a war tariff.

HON. MR. PLUMB—I intended to say they had no value for it.

HON. MR. SCOTT—The hon. gentleman would lead us to believe that the great prosperity of the last few years is due to the fiscal policy. He boasts of our exports; how much of our exports has the National policy contributed to swell? He cannot show $250,000. Last year's exports amounted to $96,000,000; what are they due to? The products of the soil—the growth of the cattle trade. Did the National policy help that? Did it help the wheat and barley and oats to grow? Did it help the farmers to produce butter and cheese in the large quantities that they shipped across the Atlantic? Has not the National policy been a stumbling block in the way of the industries which help to swell our trade?

HON. MR. PLUMB—No.

HON. MR. SCOTT—The hon. gentleman says "No:" I tell him he is wrong. I say the lumber trade has been oppressed by the National Policy. Every piece of woollen cloth which the lumberman buys is taxed.

HON. MR. FLINT.—No.

HON. MR. SCOTT.—Does the hon. gentleman tell me there has been no increase in the price of woollen and cotton goods, in this country?

HON. MR. FLINT.—No.

HON. MR. SCOTT.—Then I have not read the tariff right. I thought Sir Leonard Tilley said so at all events. Our exports are due to the labor and products of the farmer, the labor and products of the lumberman and to the development of the shipping industry and the fisheries. Our exorts of manufactures, like those of the United States have been at a stand-still. Our circumstances are analogous in that regard. If anyone will look at the returns of the trade of the United States for the last twenty-years, he will find that eight-tenths of the exports are due entirely to the natural products—to their cereals, their animals, their cheese, and oil, and all those articles that come from the earth through the labor of the husbandman. Two years ago their exports swelled up to the neighborhood of a thousand millions of dollars, and of that sum $800,000,000, were due to the causes which I have mentioned. If the hon. gentlemen will look at the returns of our own exports he will find that the exports of manufactures amount to about $4,000,000. Look at the tables and you will find that our exports of manufactured goods bear about that relation to the other exports, whether under the National Policy, or under a limited tariff such as the preceding Government were supposed to have. The exports of lumber are due, not to the labors of the lumberman in this country; but to the demand in Europe and the United States. That is the cause of the increase of the export from seventeen to twenty-seven millions of dollars. That increase is due to causes utterly beyond the control of the Parliament of Canada. It is perfectly childish to maintain the contrary. The value of those goods arises from the demand. When the United States broke down in 1874, what was the consequence in this country? Our exports fell off. Could we by putting a high tariff on imports have increased our exports? The thing is too absurd to discuss. The United States could not buy our exports. They were the most highly protected country in the world, but did protection help them during the depression which lasted from 1874 to 1878? Everyone who travelled through that country during that period knows that their cities and towns wore a deserted look. You could have got whole rows of houses on Broadway, New York, in 1876, for the taxes on them. It is notorious that brown stone front houses on Madison Avenue, and other main streets of New York, could have been got for the taxes; and I have known over and over again persons who owned second mortgages on such property being ruined because of the decrease in value. I have seen whole rows of houses in New York which could not be rented for the taxes on them. What started that country into life again? Was it legislation at Washington? It is absurd to say so. It was the demand for grain in Europe. A kind Providence blessed this continent with an abundant harvest, and the exports of the Uuited States, rose to nearly a thousand millions of dollars. It was unprecedented in any country. The natural products of the United States, not the manufactures, went abroad, and what was the result? It cheapened food in Europe, and the effect of that was immediately to enable the Americans to buy back from the British manufacturers large amounts of the products of the toil of the artizan, through the operation of those laws which few of us comprehend. No one could have foretold, no one in this Chamber could have anticipated that the prosperity which arose in America would have started again the trade of the world. The factories in Europe which had been closed were re-opened, and the people of the United States in return for the products which they had sent across the Atlantic purchased the products of the workmen of Europe, the result of that labor which had been fed by the food supply which had gone from this continent. I was a beautiful result. It helped the people of two continents. During the years of depression in the Uuited States they had the same laws which prevailed when prosperity returned to them. No change was made in their fiscal policy, yet at one time all was gloom and railway stocks fell to nothing, Up to 1878 you could have bought Northern Pacific Railway stock for ten cents in the dollar. Do we not know that some of our Canadians were far-seeing enough to foresee that there would be a change, and bought up the St. Paul and Manitoba road?

HON. MR. PLUMB—Did I understand the hon. gentleman to say that the exports of the United States had risen to one thousand million dollars.

HON. MR. SCOTT—They had swollen in 1878 to the neighborhood of $1,000,000,000.

HON. MR. PLUMB—The hon. gentleman is mistaken to the extent of $300,000,000.

HON. MR. SCOTT—One year they reached $900,000,000.

HON. MR. PLUMB—I have the return here: the highest point they reached was $848,000,000.

HON. MR. SCOTT—I say they rose $300,000,000.

HON. MR. PLUMB.—The hon. gentleman said the amount was a thousand millions of dollars; it lacked $160,000,000 of that.

HON. MR. SCOTT.—It rose from $600,000,000 to nearly $900,000,000. I do not recollect the exact figures, but they carry out what I have endeavored to convey to the House, that, by one of those happy and providential circumstances, the large production of natural wealth of this continent, chiefly the food resources, this enormous export from the United States occurred, and it gave life to the trade of the world. The hon. gentleman will not deny that that is really the fact, whether the figures are exactly as I state them or not is quite immaterial to the line of my argument. My contention was that there was that sudden leap in that particular period, and that that assisted the trade of the world. That has been undoubtedly the fact. It is not a proper time for a discussion on this subject, and probably some apology is due to the House for suddenly springing a question of this kind upon it. I did not come into the Chamber to-day prepared to discuss the subject. The hon. gentleman was giving us some interesting statistics, and I allowed him to go on and give them without interruption, but when he chose to take a fling, improperly, at the policy of the late Government I thought it was my duty not to allow it to pass unchallenged. I do not intend to go into this question of free trade and protection; it is foreign to the matter before the House, although I am prepared for the argument whenever the opportunity offers, if there is to be any good got out of it and, if to enlighten the public, it is desirable that the question should be discussed. I have my views on that subject, but it is not on an occasion of this kind that it should be discussed. The hon. gentleman tells us that the United States have grown to greatness under their policy of protection. I deny that. They have grown to greatness in spite of their policy. But the law that governs things in the United States has no force and is in no way applicable to us in Canada. We in Canada are a small population, scattered over a narrow strip of country extending from one ocean to the other, with an ideal line separating us from our neighbors. The United States is a continent, with a population of over fifty millions of people—each State is a nation of itself, and within the Union they have free trade with each other. It is one of the practical illustrations, in my judgment, of the beneficial effects of free trade. The North and South have entirely different products; the East and West are similarly situated. The East is a manufacturing country, the West is a producing country. The North and the South are dissimilar in people and climate; they occupy different zones—in fact, it is a whole continent divided into states having free trade with each other, but their high protective tariff against the world in 1874 did not in any way assist them. It had nothing to do with bringing about a revival of trade. The pall that was over them in 1874 covered us in Canada. As we were a smaller country we felt the terrible depression more keenly, but that depression was not due to any internal cause in Canada; it was simply due to the poverty of those who had previously bought our products, and who had, through the depression, become unable to buy from us; and when they could not purchase our exports, we had not money to buy their productions. Canada's condition is that of a barometer of the conditions of other nations of the world; and so it must be until we become a larger people, under our

peculiar circumstances; and you will find that, in the cycles which will undoubtedly follow no doubt in the lifetime of those who are here, Canada will take the same position as in the cycle that fell on the world in 1874. We shall not feel the crisis fully until a couple of years after it strikes other countries; but we shall suffer from it for a couple of years after other countries have recovered from the depression. At all events we can look to the past for a verification of the statement I make that our present resurrection was due entirely to causes purely outside of Canada. I do not for one moment deny, in fact, I am prepared to assert that the fiscal policy assisted materially, paticular places and particular individuals. You can very readily name the industries that were built up and strengthened by it. Whether it is wise to give those industries that artificial stimulus, whether you do not invite too much competition and break down all, it is not for me to discuss or determine. I consider that all classes of business or industries that are subject to be affected by the fiscal policy of this country are mistakes. Those industries alone can succeed that can grow in spite of tariffs. It is not supposed that hostile laws will be adopted in any country to bear adversely on industries, but to stimulate industries by a protective tariff is a dangerous policy. In the United States we had evidence of it the other day. We find that several places of business had to be closed up in Canada because the United States made a change in their fiscal policy. I notice that in Kingston some establishments had to close their doors in consequence. A good many firms engaged in the malting business had to shut down and allow their capital to be practically wiped out, because the United States Congress chose to alter the duty on malt. The hon. gentleman from Niagara forgot to tell us when discussing this subject that the very observations he now makes were made by those whose lead he follows, menacing the United States by asserting that our policy is directed against them and in favor of the mother country.

HON. MR. PLUMB—I did not intend to convey any such idea.

HON. MR. SCOTT—The hon. gentleman spoke of encouraging trade with Great Britain, and went on to show how under the policy of the present Government our imports from Great Britain had increased, ergo to the disadvantage of the United States, that our trade with the United States was diminishing, and that our trade with Great Britain was increasing. A great effort has been made to herald that all over the country, and what is the effect? The United States passed several laws in their late Congress that have reacted on us and have ruined a great many business men in Canada. Our fiscal policy ought not to be based upon any such sentimental notions. We give no preference to imperial imports; we trade with all countries alike, because they all pay exactly the same tariff; and I say it is sentimental, idle and damaging to the people of this country to have it go abroad, and to assert as it is asserted, that our fiscal policy is pointed against the United States. It is nothing of the kind.

HON. MR. READ—They have taken the duty off barley and rye.

HON. MR. SCOTT—And they have put a pretty high duty on malt, which kills out the maltster. They have done a good deal more than that. We find that, in the tariff which was passed on Saturday night or Sunday morning, when it is more fully and better understood, there is an item which I think will very seriously affect the section of country from which the hon. gentleman comes. They have put in their tariff, a duty of 70 cents on every ton of ore; that will kill the ore industry of the Trent Valley. A great deal of money has been expended on the iron mines of that district. They have built railways and gone to a considerable expense in establishing that industry, but the hon. gentlemen opposite tells the United States, "we will hit you wherever we can." Therefore I say it is an idle, uncalled for, and gratuitious observation for a statesman to make, when the tariff is the same for the whole world to assert that it is directed against the United States. The hon. gentleman mixes things up so nicely while he is speaking that one does not like to interrupt him or disturb him, and possibly I owe this House an apology for being led into this discussion which is in no sense germane to the matter before the House. We have not usually

been quite so discursive. I was very glad to hear my hon friend; he has a pleasant voice and delivers his remarks in well-rounded sentences, and in that respect is quite an accession to this body, but he must not be so ready to throw his darts in all directions and not expect to have them returned. When the hon. gentleman controverts facts he must expect to be told of it. I do not wish to say anything too pointed; but, as I said before, so long as he stuck to dry figures out of the blue book, I did not care what he said, but when he made a very unjustifiable attack on the policy of the late Government when the subject was not under discussion, I felt it my duty to attempt a defence. The late Government and their policy were not under discussion, they are dead and buried; but their acts will live in the history of this country. Their acts will live, and their legislation I am satisfied will be approved by posterity. I am confident that before very many years—possibly at the next election—the people of Canada will have waked up from the delusion to which they have been subjected, and the N. P. will by that time have lost its charms. The farmers of this country are beginning to understand that you cannot by legislation give a fictitious value to a bushel of wheat. Fortunately, we in Canada produce a much larger quantity of grain than we can consume. We have this year some 50,000,000 bushels more than we can consume; and some of the farmers are hoarding it up, expecting a higher price for it under the N. P., but within a short time the people of this country will awaken to the fact that no government, and no legislation can give a fictitious value to the products of the soil. If we have a large amount of grain to export, we must accept the price that it will command in the markets of the world. We are not so appreciably larger in population than we were a few years ago, and if we do establish a few factories, we cannot by that means find a market at home for our surplus grain. We cannot give people larger appetites, and they cannot consume more than they used to; and the keeping of the grain at home cannot add to their comfort or to ours. We are an agricultural and not a manufacturing country. Until the fiscal policy of other countries changes, Canada cannot have a market for manufactures, and we can very easily glut our own market of five millions of people, spread over a narrow strip of frontier country between the two oceans. I trust that it will not be very long until the people of Canada appreciate the absurdity of fiscal laws attempting to give a fictitious value to the products of the soil. Any person who reads the press of the United States must be astonished at the herculean strides that have been made by the people of that country in the direction of free trade. Both parties are waking up to the absolute folly of taxing themselves to the extreme that they are doing for the benefit of the few. When we come to single out the manufacturing industries of the United States we find that comparatively few people are engaged in them, and that all the rest of the $55,000,000 of the population are obliged to pay a subsidy to them; the folly of such a policy can be appreciated. In the manufacture of blankets there are about 1000 persons engaged, yet the duty on blankets was such that every consumer of blankets in the United States was paying a subsidy of two dollars per pair to the manufacturers. How can it be shown that the people who were paying that tax were getting any indirect benefit for keeping up those manafacturers by paying such a tribute? Another glaring instance which has been recently swept away, was the quinine duty that the people were paying to one concern in Philadelphia. These men with other monopolies were making millions of dollars by employing money improperly in Congress to keep up the duties on quinine and other articles, and the people had to pay them. I might go on and give dozens of illustrations of the rings and monopolies that have grown up under this system of protection. Once established a ring of that kind and what can you do? We are tending in that direction in this country; we are in the adolescent stage now, but we are coming to maturity rapidly. The tendency of rings is to grow stronger every year. Take the newspapers of both sides of politics—the United States to-day—and what do we find? We find that they all agree that the Congress that has just arisen has been the most corrupt Congress of their experience; that members have left Washington with thousand of dollars in their pockets by which their influence was secured in

favor of rings and monopolies. Take the coinage of the silver dollar as an instance. Some years ago, through the influence of the owners of silver mines, a law was placed on the statute book of the United States that all silver brought to the mint should be coined into silver dollars; and they managed at the same time that those silver dollars should be worth only 90 cents. The coining of those silver dollars continued under that law until the vaults of the different mints were filled with large piles of them. They could not be circulated, and there they lie; and just before Congress rose Secretary Folger sent a communication to the House asking them to repeal the law, as they were unable at the mints to find room to store the silver dollars. He concluded his communication with this significant observation, that if Congress did not repeal the law they would have to make a large appropriation to build new vaults in which to stow away the silver dollars. What did Congress do? The whole voice of the people was in favor of the repeal of the law; the whole press of the country was in favor of its repeal, but did Congress repeal it? No.

HON. MR. PLUMB—Who elects Congress but the people?

HON. MR. SCOTT.—No, the silver ring were in with the timber ring and the steel men, and the iron men, and the oilmen, and other monopolists who control Congress, and the law was not repealed. Take the timber question as another illustration. It is very well known that the timber area of the United States is now very small. It is principally confined to Wisconsin and Michigan, and a little down in Maine. The people say "let us have timber from Canada free. We are paying large sums of money to encourage the growth of trees, and why should we give a premium, as we do, to our own people to cut down the timber of our country?" The timber men went to Washington and got in with the ring there, and although the public voice was in favor of taking off the duty on timber, Congress could not do it, because these men belong to the tariff ring and we know that the result of laws of that character is to create gross monopolies that eventually control legislation. The efforts of our own parliament in Canada tend in that direction, but in a smaller or lesser way. We are fostering certain industries in this country that could not live without being supported in the way they are, and we are charging the people of this country in order that the few may make money out of the many. The tendency of all such laws is to increase the wealth of the few, and make the great mass of the people pay tribute to them. That is the inevitable result of this beautiful theory that my hon. friend will tell you has brought prosperity to Canada—that by merely putting on the statute book a law that increases the duty from 25 to 30 per cent. it at once lifted Canada out of the low condition in which she was—that from being covered with a terrible cloud of depression she at once soared up and established a credit in the world, by which her 4 per cent. debentures went up to 96; that the moment it was known in England—Free Trade England—where men on both sides of politics laugh at and ridicule the United States—where our High Commissioner Sir Alex. Galt is made the butt of the London *Times* for utterance which he himself knows are fallacious, for any one who knows as I know Sir Alex. Galt, is aware that in the past he had pronounced views of the very opposite character. But it suits him now to say that the prosperity of Canada is due to our protective policy, and he tells that to the people of Free Trade England, who laugh at him. A few years ago the Conservative party in England tried to introduce what is called the fair trade policy—a very taking name—and for a time a few members of the Conservative party thought they were going to oust Mr. Gladstone with a cry of that kind. It had done well in Canada, and why not in England? But in England it did not take, and the party were obliged to abandon it, and to-day there is not a statesman in England who does not think that the protective policy is utterly discordant and out of joint with the spirit of the age. If they could elect men in the United States who could be trusted independent of the rings who now control the policy of that country, they would very soon come down to what might be called a revenue tariff.

HON. MR. PLUMB—Why don't they?

HON. MR. SCOTT—I have been endeavoring to explain why they do not—because the silver men, and the timber men, and the steel men, and the quinine men, and every other special ring are too strong; because they go to Washington and there they are found by hundreds in the lobbies, and the Congress of to-day does not represent the views of the people of the United States. If the hon. gentleman will take public opinion as expressed in the newspapers of the United States at the present time, he will find that I am correct, no matter what side of politics that press represents. Take the New York *Times*, and he will find that it condemns these rings as ardently and as strongly as I am doing now. Let him take the Democratic papers, and he will find that they are all exactly of the same opinion on this subject. Let him take the New York *Herald*, which is probably more read than any other journal in the United States, and he will find that it is also in harmony with those same views; that they are crying aloud to be rid of this fearful oppression, which is weighing upon them now and from which they can scarcely escape, I say the time is not very far distant when the United States will set the example in that direction, when they find that the interests of the many have to be served and not the wants of the few. The tendency of their laws has been to build up millionaires and to make men abnormally rich in that great democratic country. I should like to know, if Jefferson, Franklin or George Washington could look down from above, if they would not be shocked at the scenes enacted on Friday, Saturday and Sunday last, in Congress there. They thought they had established a government which would be an example to all eras, and particularly so far as the mode in which its business was to be conducted: was there ever any more scandalous proceeding enacted in the halls of any legislature in any country in the world, than the turning its Congress into a pandemonium—and on Sunday, too? They sat there until twelve o'clock, noon—that Congress lived until noon on the fourth of March—sat through till the clock struck twelve on that day, and President Arthur sat in an ante-room waiting to sign the bills as they were pitched out one by one! That was what was enacted there, and it was due largely to influences which I have endeavored feebly to depict. I must apologise again for having been drawn into these discursive observations, but I could not allow the observations of the hon. gentleman from Niagara to pass unnoticed. I do not agree with him, I believe his views are incorrect, and I feel that the time is not far distant when the people of this country will pronounce them unsound. In the meantime, whenever I have an opportunity I shall, at all events, assist in that policy which is rapidly moving forward.

The motion was agreed to, and the Bill was read the second time.

SUPERANNUATION ACT CONSOLIDATED BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL, moved the second reading of Bill (C), "an Act to amend and consolidate the Acts relating to the Superannuation of persons employed in the Civil Service of Canada." He said: The hon. gentleman from Ottawa desired to see a statement of the working of the Superannuation Act at present. The statement was sent to the Joint Committee on Printing, but whether it included all the information my hon. friend desired, I do not know. I think there is force in the suggestion made yesterday that so far as regards those clauses of this Act which we can pass in this House, the figure or amount paid is not of importance, and I ask my hon. friend now whether he would rather wait till this return is brought down and he can examine it, or whether it might not be just as well to read the bill and I can give him further time on the committee.

HON. MR. SCOTT—The return brought down really gives no information whatever, and is arranged alphabetically and not chronologically, so that as to the increases it gives no possible clue to those particular years when the superannuation went up; it simply gives the aggregate amount and the amount allowed to each individual. Then it does not give what I asked my hon. friend to furnish at the

time. Of course, I ought to have put my notice in writing and I do not hold him responsible for this defect, but, in discussing this question, as the superannuation amount had swollen to large proportions —it is now $189,978—I thought it would have been a very proper period for us to examine two points, first to see the cause of increase which I had no idea was so large, and then to arrive at what the practice has been recently of the Committee in adding liberally to the number of years service. My hon. friend knows the committee have always had power to add a given number of years.

HON. SIR ALEX. CAMPBELL—You mean the Treasury Board?

HON. MR. SCOTT—Yes; the Treasury Board. I should consider that very considerable sums have been added by that Board. However, the matter will be discussed elsewhere, and as my hon. friend says, very many of the clauses are not within the purview of this Chamber, inasmuch as they touch upon the voting of money, which rests with the House of Commons, and although we might object to the Bill, still it is more germane to the other branch, which votes the money. Therefore I do not propose to delay the Bill.

HON. SIR ALEX. CAMPBELL—If the hon. gentleman desires it, I will bring down a statement showing what he wishes. It will show by what steps—speaking on a large scale—and when the aggregate amount of superannuation payments was chiefly increased.

HON. MR. SCOTT—If the statement were brought down chronologically it would have shown it on its face sufficiently, but my hon. friend will see that this statement is purely alphabetically arranged.

HON. SIR ALEX. CAMPBELL—The amount paid for superannuation each year is shown in the public accounts.

HON. MR. SCOTT—Not in the way in which I asked for it, nor does it show the number of years added, year by year.

HON. SIR ALEX CAMPBELL—The amounts are shown by the public accounts, and therefore my hon. friend could draw his own conclusion as to who was responsible for it. As to the addition of years, and to the sums which are given as superannuation to individuals, there has been no rule. I am myself a member of the Treasury Board, and I can show my hon. friend what has been done as a total result in any given year—what has been done in any individual case—but it has not gone on any specific rule.

HON. MR. SCOTT—I am quite aware of that.

HON. SIR ALEX. CAMPBELL—We are obliged to deal with individual cases upon their merits. If a person has served for a long time, and with some special credit, some additional years—five generally—are added. That is not done very frequently, but if my hon. friend will mention any particular year, I will bring down a statement covering it and showing the number of cases in which additions have been made as well as the amounts paid. I will do it before the Bill goes to committee if my hon. friend desires it.

HON. MR. SCOTT—Oh no.

HON. SIR ALEX. CAMPBELL—Then, I beg to move the second reading of the Bill. As has been mentioned by the hon. gentleman from Ottawa, the Bill does not deal with anything which will meet with much objection in this chamber; it is simply an extension and enlargement of the superannuation scheme, removing certain doubts which have arisen as to the character of officers of the public who are entitled to superannuation. I will explain when the Bill is in committee in regard to what class of persons those doubts have arisen. There is nothing in the Bill, except enlargement of that kind, which can interest this House or which can engage the jurisdiction of this House.

HON. MR. POWER—I regret that the hon. Minister of Justice has not thought proper to let us know before the second reading what the principle of this Bill is. The title of the Bill is "An Act to amend and consolidate the Acts relating to the superannuation of persons employed in the Civil Service of Canada;" but, so far

as the hon. minister has informed us, it is simply a Bill to consolidate; and I think the title is misleading, if the minister's explanation is correct. If the law has been altered in any substantial respect, I think we ought to have an explanation now of the nature of that alteration.

HON. SIR. ALEX. CAMPBELL—I am not able to give the exact nature of the alteration; but I know that the Bill was framed for the purpose of removing doubts as to the class of public servants in some instances, who are entitled to superannuation—to remove those doubts and to specify clearly the different classes of public servants who should come under the Act. In carrying out that object the opportunity has been availed of to remedy some defects in the Bill which I will explain to the House as we go through committee.

HON. MR. POWER—Then, on my own account, perhaps I may be allowed to make some few remarks in connection with the Bill. I regret that when the Government have brought down a Bill which purports to deal with superannuation and to amend the existing system, they have not actually done so. I think that there are a great many improvements which might be made in the existing system; and I shall venture to throw out a few suggestions, which I have no doubt will not be accepted in the spirit in which they are made. I shall, however, offer one suggestion with respect to the method in which the superannuation of Civil Servants is now carried out. In the first place, I think the Government as a rule—I do not wish to be understood as applying this to the present any more than to any other Government—take their views from those who are nearest to them. When ministers wish to ascertain what is the best thing to be done with regard to superannuation, instead of going through all the grades of the service, they make inquiries of the deputy heads and the other gentlemen who expect at a very early day to take advantage of the Superannuation Act. I think if the Government wish to introduce a measure, which will be fair and satisfactory to the public, as well as to all branches of the service, they ought to ascertain the views of men in the different grades of the service, juniors as well as seniors. Now, here is one fact that I think is very noteworthy in regard to this matter: If a man, who may be in fairly good health, fairly well able to do his duty, gets tired of the public service, and wishes to retire to live at ease, under the existing law—and it will be the same way after this Act will have been passed—that man can give up working for the public, and retire on a very respectable allowance. But, supposing that instead of leaving the public service voluntarily in that way, a man should die—that he is cut off in the midst of his work, and leaves a large and possibly helpless family—under the law as it now stands, although that man may h ve been paying a yearly contribution to this fund out of his salary, and though the fund is intended to provide for him, after his term of usefulness ceases, his family gets nothing whatever, and no one, except the other civil servants who afterwards retire, gets the benefit of these amounts which this man has paid in. It is perhaps better not to refer to any particular case; But hon. gentlemen are aware that within the last two months a very striking case of this kind has occurred here at Ottawa, and a man who had served the public long and faithfully was called away suddenly, leaving a large and comparatively helpless family behind him, and although he had been paying his proportion of superannuation allowance for a number of years, his family received nothing whatever from that fund. Now, it seems to me to be regretted that some such amendment should not be made to the law, as would provide that where a servant of the public was called away, while in the service, his family, if he had a family, should receive some benefit from the money which he had been paying out of his salary during his lifetime. I have reason to believe that a change of that sort would be exceedingly popular with all—or the great majority of those in the Civil Service. Possibly, as I said before, a few of those who expect to retire very soon would prefer to retain the present system, but with the great bulk of the Civil Servants a change such as I suggest would be very popular; and I have reason to think too, that, if such a change were made the majority of those in the service would be willing to contribute a larger amount than they now do towards this fund, which is intended to provide for

them when they cease to serve the public any longer. It is rather late now; and I do not care to trouble the House further on the subject; but I think it is a matter of so much importance as to deserve the consideration of the Government. I am not finding fault with the present Government; because their predecessors did not introduce any change of this sort; but I think it is a most desirable and necessary change; and I hope the Government will see their way—if not immediately, at any rate very shortly—to introduce some amendment to the law which will be in the direction I have tried to indicate.

HON. SIR ALEX. CAMPBELL.—I agree with what has fallen from the hon. member for Halifax, and I am sure he will be glad to know that the matter has occupied the serious attention of the Government already, and that a Bill is in draft which has for its object—whenever it shall be introduced, I do not say this Session, but when we shall introduce it— a Bill is in draft which has for its object the removal of the very evil of which the hon. gentleman complains. It will have to be done upon the principle of Life Insurance —of contributions from all Civil Servants to the Exchequer and then a payment from the Exchequer in the shape of Life Insurance. That principle will sooner or later, I am quite confident, be adopted, and I agree with the hon. gentleman from Halifax, that it is a fair thing to do. I hope that I may be able to take part in doing it some day or other. The Bill to which I have reference has been in draft for some time, but the Government has not been able to consider it.

HON. MR. POWER—I am very happy to hear it. I had not the faintest idea that the Government had proposed to introduce such a measure.

HON. SIR ALEX. CAMPBELL—The hon. gentleman must not misunderstand me; I say nothing about introducing it this Session: I merely say we have got it in draft, but whether it will be introduced this Session or not I am not able to say.

HON. MR. POWER—I had no idea that the Government had the measure in contemplation: I am very glad to see that sometimes they do a good thing.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 5.50 p.m.

THE SENATE.

Ottawa, Friday, March 9, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PRIVATE BILLS.

TIME FOR RECEIVING EXTENDED.

HON. MR. BELLEROSE from the Committee on Standing Orders and Private Bills, presented their ninth report, recommending that the time for receiving Private Bills be extended to the 14th instant. He said this extension was asked for, because there were some petitions which could not be read until Monday, and it was necessary to extend the time for forty-eight hours to permit of the Bills being presented. He moved that the time be extended in accordance with the recommendation of the Committee.

The motion was agreed to.

STEAMSHIP SERVICE BETWEEN CANADA AND BRAZIL.

MOTION.

HON. MR. PELLETIER moved—

That an humble Address be presented to His Excellency the Governor-General, praying that his Excellency will be pleased to lay before this House, a Return of each trip made between Canada and Brazil, by the "Societé Postale de l'Atlantique," according to contract with the Canadian and Brazilian Governments, with the following statements to 1st February, 1883:—

Name of the steamer; owner or charterer; tonnage; accommodation for passengers; number of passengers from each port and their destination; accommodation for freight; gross quantities and nature of freight from each port and destination; freight and passenger rates paid; day of departure appointed by Canadian Government and day of sailing;

amount of mails carried; penalty paid for delay or non-fulfilment of contract; subsidy paid by Canada; subsidy paid by Brazil; number of days required for the single and return trips;

Also, all correspondence between the Canadian Government and the Company referring to the present suspension of service and an increased subsidy;

Also, with reference to a subsidy for a regular service between France and Canada.

He said: My object in asking for this return is to ascertain if certain complaints which have been made against the "Société Postale de l'Atlantique," are well founded. It is alleged that the service is not performed in accordance with the terms of the contract. Of course, I do not believe it is proper to make any further remarks until the papers are brought down; I therefore simply move the resolution of which I have given notice.

HON. SIR ALEX. CAMPBELL—There is no objection to the address.

The motion was agreed to.

BILL INTRODUCED.

Bill (F.) "An Act to amend the Act to incorporate the North Western Bank."—(Mr. Allan.)

AN EXPLANATION.

MR. PLUMB—Before the orders of the day are called, I wish to say one word in explanation of the remarks which I made yesterday, and which seem to have been misapprehended. My hon. friend, (Mr. Scott) in referring to what I said in the opening part of my speech yesterday—I may say I have not seen the report, and therefore I do not know exactly how my language was taken down—seemed to get the idea that I intended to convey to this hon. House, by assertion, that the works, or the engagements which had been entered into by the predecessors of the Government which came in in 1873, had been repudiated by that Government, and he mentioned among other things the Intercolonial Railway and other works, like the enlargement of the canals. Of course I could not have meant anything of the kind, because they were settled upon at the confederation of the Provinces, and both parties were equally responsible for them, and bound to carry them out. What I referred to more particularly was the great work inaugurated by the Government prior to 1873, and which was not carried out in the way tha that Government intended; but a new Act was passed, upon an entirely different principle, and consequently any expenditure for that purpose could hardly be chargeable, under the circumstances, to the previous Administration. That was really what I meant to be understood as saying, and if I said otherwise in the course of my remarks, I beg to say that an impression was created which I did not intend to convey to the House.

HON. MR. SCOTT—What the hon. gentleman said, what I understand him to say, at all events, was that the Government of Mr. Mackenzie had really inherited no responsibility from their predecessors, and that they had heaped up a very large debt unnecessarily, and I endeavored to show, in explanation of that, that they had really inherited those responsibilities which I had pointed out.

CIVIL SERVICE ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (B,) "An Act to amend 'The Canada Civil Service Act, 1882.'" He said—The Civil Service Act of last year having been worked during the time which has since elapsed, some defects have shown themselves, and some suggestions have occurred in consequence of difficulties which have arisen. These defects and these difficulties are proposed to be supplied and amended by the bill now before the House. I will mention them more particularly when the House is in committee, but I will refer to some of them at present. One, for instance, was that the Board of Examiners were to be allowed $10 per diem during the time they were employed; there was no time limited, and we have found that that possibly would give rise to a larger charge upon the Government than there was any occasion for. Then, although since the passage of the Act one of the examiners has been employed as secretary, it was not incumbent upon him to act, and

the difficulty gave rise to another, which was that the secretary of the board should have some consideration other than was given to the ordinary members of the board, because his work was almost permanent in character, while theirs was only occasional. Then, it has been found in practise that some of the circumstances under which examinations were to take place should be altered. We have also found that the arrangement which was made in reference to chief clerks should be changed. A chief clerk was appointed originally by the Governor-in-Council at a fixed salary,—he gets no increase to that salary—that is, the ordinary rules which apply to officers in the Civil Service getting an annual increasement, does not apply to chief clerks, and it is thought that it should be applied to them. Another change was thought desirable, and that is to exempt some officers of the Government from the operation of the Act altogether. It is found in practice necessary, almost—I have no doubt the late Government found it so, as well as the present Administration—it is necessary, I will go so far as to say, under our present system of Government, and it may be expedient, that some officers of the Civil Service should be reserved from the operation of the Act, and the appointments should be at the disposal of ministers, to meet the necessity of appointments being made for other considerations than those which affect the Civil Service itself. The officers to be exempted under the provisions of this Bill are postmasters in cities, and collectors of customs and inland revenue. To these have been added—not for the reason I have just mentioned, but for the convenience of the thing, and because of the small salaries—preventive officers; but the appointments to which I refer particularly are city postmasters and collectors of customs, and of inland revenue. It is expedient, in the course of administration, that such offices as those to which I have referred should be given for other considerations than those which affect the Civil Service. For instance, the city postmaster at Ottawa formerly occupied a seat in the House of Commons, and the collector of customs at Toronto once had a seat in this House, while the city postmaster at Toronto was formerly at the head of a large newspaper establishment. Until very recently such offices as these were not included in the Civil Service of England, but were reserved in the same way as we propose to reserve them under this Bill. Latterly, however, they have been brought under the Civil Service Act, and the postmaster at such a place as Liverpool receives his appointment by promotion, and not from other considerations—I do not mean those considerations which no doubt cause the hon. gentleman from Prince Edward Island (Mr. Haythorne) to smile—but other views which influence ministers, and which have no doubt influenced the upright Government of which my hon. friend from Ottawa was the leader in this House. It is proposed, and I have no doubt it will excite a great deal of discussion elsewhere, that certain of those offices should be reserved; as it is, postmasters in towns are appointed by goverment. The salaries in such cases are paid by commissions which are calculated every quarter. This very considerable change in the Act which is proposed here is necessary, at all events expedient under the form of government which we are administering in this country. Then there are sundry changes in reference to promotion—not very great changes. In some instances, under the existing law, you cannot fill a vacancy which occurs in the inside service—that is the service at Ottawa—by calling in a person from the outside service, although he occupies the same rank and gets the same salary. You could not fill a vacancy in the Customs Department here, for instance, by calling in some one from the service in Montreal or Toronto. Now, it is desirable that in some cases such appointments should be made where the knowledge is technical, and where it might be very useful in the public interest that an appointment should be made from the outside to the inside, or from the inside to the outside service. It is proposed to remedy that. Then we found in the administration of the Act that questions arose as to who came under the Superannuation Act, and the Civil Service Act, and that is proposed to be made more or less clear by some provision in this Bill. Then the limits of age were not quite satisfactory, as, for instance, the appointment of messengers was limited under the Act to between the ages of 18

and 30, and we propose now that the minimum age shall be 15. I have now in my department a lad who does all the duties of messenger, and discharges them very efficiently, who is between 15 and 16 years of age, and it very often happens that a lad is as well fitted for such a position as a grown up person. We propose to alter the Act to allow lads to be employed, and the minimum age is fixed at 15 years. Then there are certain officers in the Civil Service who are called temporary clerks because they have never been put on the permanent list of the department, but whose employment has been of long duration. A notable instance of that is in the Public Works Department, where some men have been employed for ten, twelve or fifteen years, and yet have never been made permanent officers of the department, the salaries being from time to time charged to the works on which they were employed. It is certainly better that they should come under the Civil Service Act, and it is proposed that this class I have mentioned should become members of the Civil Service, and take rank without examination, their employment being really permanent, although they had never been appointed, and were not entitled to the superannuation nor the advantages of the Civil Service, and it is thought best to give them those advantages and subject them to the responsibilities of the service. It was found in the schedule attached to the Bill that a difference had been made, which was not intended, between the inspectors of different departments. It is proposed to remedy that by putting them all in the the same scale. An instance which I might mention is that of the chief inspector of the Inland Revenue Department, whose salary is fixed at $3,000, while the chief inspector of the Post Office Department receives but $2,800, and the inspector of penitentiaries the same. We propose to put them all on the $2,800 scale. Then, a class of officials, chief clerks in the Railway Mail Service, was omitted altogether in the former schedule. Schedule "A," attached to the Act was somewhat limited, and there is an addition made to it. It is very desirable that the Clerk of the Privy Council, and those officers serving under him, should take an oath not to divulge anything coming to their knowledge in the service. That may be extended to other clerks, as, for instance, certain of a class of preventive officers who may be employed on what may be called—not to speak offensively—detective service. It is very desirable sometimes that officers of that class should take an oath, and not desiring to augment their importance in any way, I do not place their names in the Bill, but merely take power by which the Governor-in-Council may cause this oath to be administered to them—not to divulge anything coming to their knowledge in the discharge of their duties. These are some of the principal provisions of the Bill; I will go more into details when it comes before the committee of the whole House.

The bill was read the second time.

PUBLIC LOAN BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (21) "An Act to authorize the raising by way of loan of certain sums of money required for the public service."

HON. SIR ALEX. CAMPBELL—I mentioned to the House when the bill was read the second time, that the amount of debt which it was contemplated to provide funds to meet, by the provisions of this Bill, was £6,446,000. The debt when contracted was made the subject of a sinking fund, and that sinking fund has amounted during the currency of the debt to £1,381,325 15s. 3d., leaving to be paid under the provisions of the bill £5,065,310 7s. 6d., or $24,651,000: that is the exact amount to be paid under the provisions of this Bill.

HON. MR SCOTT.—Is the sinking fund invested in those debentures?

HON. SIR. ALEX. CAMPBELL.—I do not know how it was invested, I only know the amount of it. The paper which I have in my hand is from the Finance Department and gives the figures I have mentioned.

HON. MR. PLUMB—Partly in the loan, and partly otherwise.

HON. SIR ALEX. CAMPBELL.—To meet that amount of $24,651,000, it is proposed to make a new loan under any of the modes provided for by Parliament, these modes being by debenture or subscribed stock payable here or elsewhere, as may be found most advantageous, but the whole raising of the money is made subject finally, in the last clause of the Bill, to the provision that the rate shall not exceed 4 per cent. per annum.

HON. MR. MONTGOMERY from the committee, reported the Bill, without amendment, and the third reading was fixed for Monday next.

The Senate adjourned at 4 p. m.

THE SENATE.

Ottawa, Monday, March 12, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SUPERANNUATION RETURNS.

HON. SIR ALEX. CAMPBELL.—I have been able to-day to bring down the paper which my hon. friend from Ottawa (Mr. Scott) asked for a few days ago, about the working of the Superannuation Act. This return shows the receipts from the year 1870 to 1882, and shows the expenditure in each for the same years. It also shows the cases in which additional service has been granted, and I do not see that any special deduction is to be drawn from it. In 1872 the number of cases of additional service was 6; in 1873, 4; in 1874, 6; in 1875, 9; in 1876, 13; in 1877, 2; in 1878, 9; in 1879, 5; in 1880, 8; in 1881, 11; in 1882, 9. The additional years' service granted vary from one year up to ten. I should say, looking at the papers in this way, that the number of years added was greater in 1876 than in any other year; the next to that was in 1881.

OCEAN MAIL SERVICE.

ENQUIRY.

HON. MR. POWER rose to call attention to certain objectionable features in the management of the line of Steamships which now carry the mails between the United Kingdom and *Canada*, the desirability of making changes in the terms of the existing contract so as to render the operation of the contract more beneficial to *Canada*, and the necessity of terminating the present contract; and to ask the Government whether they have given or propose to give notice to the contractors of their intention to terminate the said contract, and if so, what is the nature of the changes which the Government propose to make in the terms of the said contract.

He said: I must confess to having been somewhat disappointed at the return laid upon the table of the House in response to the address which I had the honor to move a few days since. That address asked for copies of all memorials, correspondence and communications in relation to the ocean mail service between Canada and the United Kingdom or to the rates of freight charged by the Allan Steamship Company. I was aware that much dissatisfaction had been felt and expressed by the merchants of Halifax with the rates of freight charged upon goods imported by them in the Allan steamships, and was under the impression that there must have been in the possession of the Government memorials or correspondence from the Halifax Chamber of Commerce, or from individual importers in connection with the rates of freight in question. The existing contract with the Allan Company was made ten years ago; and the fact that the former contract with the Inman Steamship Company had lasted for less than six years gave credibility to the rumor, which I heard shortly before the opening of Parliament, that the Government had given notice of their intention to terminate the existing contract and take tenders for the performance of the mail service between this country and the United Kingdom.

The papers which have been laid on the table relate to the divisions of the through freight from Europe to Montreal and other inland points, between the Steamship

Company and Intercolonial Railway—a matter which was not in my mind at all when the notice of motion to which I am now speaking was given. Still, the correspondence which has been brought down is somewhat important, and refers to a subject of not a little interest to the people of all the old provinces of the Dominion; and I shall—before undertaking to deal with the subject in which the people of Halifax and Nova Scotia are more particularly interested—make some observations upon that correspondence.

It appears to have originated in an intimation from the Allan Company that, unless they were allowed as large a proportion of the through freight on goods forwarded by way of Halifax as the Grand Trunk allowed them on goods landed at Portland they would cease to land such freight at Halifax. The correspondence submitted begins with a letter from Mr. Taylor, the General Freight Superintendent of the Intercolonial, to H. and A. Allan, dated the 27th September, 1882, in which Mr. Taylor offers to extend the grouping of stations on the Intercolonial Railway, from Riviere du Loup to Chaudiere Junction, and to allow the Steamship Company two-thirds of the through freight to the last named point, taking one-third for the Railway. On measurement goods intended for Quebec and Point Lévis, the steamers were to have 58 per cent. and the railway 42, and on dead weight goods the steamers were to get 55 and the railroad 45. He also agreed to allow a reduction in favor of the steamers of five per cent. on goods intended for points between Chaudiere and Kingston, of four per cent. on those bound to points between Kingston and Toronto, and of three per cent. on those for places West of Toronto. Then, after some intermediate correspondence, there is a long letter from Mr. Andrew Allan, to the Minister of Railways and Canals, dated 2nd November, and pointing out, amongst other things, that the proportion of freight claimed by the railway on goods carried to St. John, during the summer season, should be reduced below the existing rate of 30 per cent. The next communication to which I shall draw attention is a telegram from Mr. Andrew Allan, to Sir Charles Tupper, dated the 11th November; and, as it is important, I shall read it to the House:

OTTAWA, November, 11th, 1882.
(*From Montreal.*)

To HON. SIR CHARLES TUPPER.—

"We assume that if we instruct our Liver-
"pool and Glasgow Agents to adopt same
"through rates, via Halifax and by Portland
"and Boston, that you will refuse to convey
"through goods from other steamers at less
"than local tariff rates from Halifax or St.
"John, unless they agree to conform their
"through rates to ours. Any competition in
"rates would, of course, prove ruinous to
"earnings of the Intercolonial Railway on
"European traffic as well as to the steamers.
"Kindly reply by telegraph, and so forth.

"Signed, ANDREW ALLAN."

On November 16th, Mr. Pottinger, General Superintendent of the Intercolonial, telegraphed to Mr. Schreiber, suggesting that the Glasgow Steamers should call at Halifax once a fortnight. Mr. Andrew Allan, on the 19th, agreed to this, provided the proportion of freight on goods to St. John and certain other points on the Intercolonial Railway should be reduced. The last in date of the documents laid on the table is an Order in Council, approved on the 29th November last, embodying the divisions of freight agreed upon. This Order contains a stipulation that the steamship line shall not discriminate in the matter of freights against the Intercolonial, after which comes the following statement:

"It being a condition, inserted in order to prevent the failure of this arrangement through the undue competition of steamers which only occasionally visit these ports—that all steamers, rates by which from Great Britain are less than those of the Allan Line for similar freight during the same week, shall be charged the tariff rates over the Intercolonial Railway chargeable to merchants in Halifax and St. John for the forwarding of the same class of goods."

One thing which must strike any hon. gentleman who reads this return is, that the Government seem to have yielded to every demand made by the Allan's. The agreement by the Railway department to accept a less proportion of the through freight than had before been claimed by the Intercolonial may have been necessary, to prevent the steamers from carrying their freight to Boston and Portland; and I am not disposed to find fault with the decision of the Cabinet

upon this point. But, unless some more satisfactory reason than any contained in the correspondence is given for the conduct of the Government towards the Dominion and other steamship lines, that conduct will not commend itself to the judgment of any right-thinking man. There is no reason, so far as I know, why the Government, as owners of the Intercolonial Railway, should deal with steamship lines upon any principles different from those which regulate the relations between ordinary railroad corporations and the owners of lines of transatlantic steamers. The natural and reasonable course would be to put all lines—certainly all lines running regularly to Canadian ports—on the same footing. If any distinction were made, it would seem that the fact that the Allan Company receive a large yearly subsidy from the public treasury, would be a reason why they should take a somewhat less proportion of through freight than an independent unsubsidized line, like the Dominion. How has the Grand Trunk Railway Company treated the two lines? Exactly alike. How does the Government treat them? It pays the Allan Company, a subsidy of $126,000 a year; pays the Dominion Line nothing, and charges their freight double the rates charged to that brought by the competing company. I take it for granted that the local rates on freight over the Intercolonial are about double those paid under the last arrangement with the Allan's. For this course of the Government no satisfactory defence can in my opinion be given. It practically closes the Intercolonial to all through freight, except that brought by the steamers of the subsidised company; deters the steamers of independent companies from calling at Halifax to land freight; deprives the Government railway of a large amount of business, and helps to keep up the cost of importing goods to Halifax and points West of that. And why? Apparently to protect one steamship company from the competition of another. What have the Government to do with the rivalry between those companies? Why should they not allow a competition to go on which will have the effect of reducing freights and benefitting the public? Above all, why should they do what they have done without letting the second of the two companies interested know anything of what was contemplated? It appears from the return now on the table that, in addition to the letters and telegrams, copies of some of which have been submitted, Mr. Andrew Allan asked for and obtained more than one interview with Sir Charles Tupper. It does not appear that any such interview was had by the agents of the Dominion Line, or that they had any chance of placing their views before the Government. Condemning a man in his absence is contrary to the fundamental principles of law and justice, and I shall await with some curiosity the defence offered by the ministry for what seems on its face, an unwise, unjust and indefensible line of conduct.

Having said so much upon some of the points suggested by the correspondence before the House, I shall proceed to deal with the subject to which my notice and inquiry were intended to refer. As I have already said, much dissatisfaction exists amongst the merchants of Halifax in consequence of the exorbitant rates of freight charged on goods imported or exported by the steamships of the Allan Company. Not only are the freights to that port—the winter port of the Dominion—not more favorable to the merchant than those charged to Boston, Portland and Baltimore—foreign ports—but they are less favorable. Not only is it true that you cannot get a package carried to or from Halifax for a less sum than it would cost to carry it to or from any of these ports, but the freight is greater, very much greater. No doubt, hon. gentlemen will be surprised to learn that the discrimination against Halifax is so great, that merchants in that city actually allow their goods to go to Boston in the Allan Steamers, and then bring them back to Halifax by other boats. To show the exact character of the discrimination, I shall give an experience of one firm, who are large importers of English goods. The freight of a ton of goods by the "Allan Steamer" from Liverpool to Halifax, was twenty-seven shillings and sixpence sterling; the freight of the same goods to Boston, was seventeen and sixpence—more than one-third less; and the firm found that they could let their goods go to Boston, pay the port charges and cost of transshipment there and the return freight to Halifax, and still pay four and sixpence a ton

less than if they had imported directly from Liverpool. The monstrous character of the discrimination may perhaps appear in a still stronger light when it is stated that, in Liverpool the rates to Halifax and Chicago are quoted at the same figures. It is clearly wrong for a Government which professes an unusual regard for the interests of the people who live in the Dominion, and who pique themselves upon being guided in all things by a National Policy, to allow so enormous a discrimination against a Canadian port in favor of foreign ports, by a steamship company which is subsidized to the extent of one hundred and twenty-six thousand dollars a year out of the revenue contributed by the people of Canada. Under all the circumstances of the case, I hold it to be the duty of the Government, if they allow the existing mail contract to continue, to stipulate that the ocean freight to Halifax by the company's steamers shall be at the same rate in proportion to the length of the voyage as that to foreign ports, or at the very least that it shall not in the whole exceed the whole freight to Boston or Portland. The better course in my opinion, for the Government to adopt would be to give the year's notice (required by the statute), of the proposed termination of the contract; and inquire meanwhile as to what future arrangement will be best for the interests of the Dominion. I have little doubt but that the subsidy paid to the Allans—with perhaps a slight addition—would secure a line to Montreal during the summer season and a line to Halifax all the year round. Such a line should have both its *termini* on this side of the Atlantic in Canadian territory. Inasmuch as private enterprise in the Lower Provinces put one steamer on the route between St. John, Halifax and England—the luckless *Cedar Grove*—and as another is to be put on shortly, and looking at the fact that the Allan's find it pay to call at Halifax once a fortnight, and that that port is often visited by other steamers from Europe, I believe that little difficulty would be found in securing an exclusively Canadian ocean steam service between the Dominion and the mother country. At the worst, the Government, in asking for tenders for the mail service, could stipulate that the company getting the contract should not discriminate against Canadian ports in the matter of freight.

While I am free to acknowledge that the Government, acting under severe friendly pressure, have done not a little that they were requested to do by the delegates of the Halifax Chamber of Commerce, it is my humble opinion that, by securing a reasonable tariff of freight rates between the port of Halifax and the United Kingdom, they would do far more for the trade of that port and of the Maritime Provinces generally, than is likely to be effected by all that has been done hitherto.

Hon. Mr. KAULBACH.—I concur with a good deal of what the hon. gentleman has said as to the desirability of giving the preference to a line of steamers which would make some Canadian port its terminus on this side of the Atlantic. It is quite true that the Allan Line performs the service satisfactorily, with the exception that it does not make a Canadian port its terminus during the winter season. Under its contract the Government have the power, which is legalized by an Act of Parliament passed in 1874, to direct where the mails shall be landed. The Company is now obliged to land the mails in the winter time at Halifax, and the facilities for landing at that port and for rapid shipment by the Intercolonial Railway, all tend to bring a large amount of freight and travel over our own lines which would otherwise pass from us to ports in the United States. I do not agree with my hon. friend as to the abrogation of this contract with the Allan Line in the manner he proposes. If we should do so without exercising proper care, the Government might lose the control which they now have over the service, and with it a large amount of traffic which now goes over the Intercolonial Railway. It might pass from Canadian to United States ports. Therefore, I think the Government, before changing the present contract, should see if any arrangement could be made which would be more beneficial for the Dominion. I do not know what the proportions are of freight rates, and the reasons for such proportions, between Liverpool and Halifax, and by the Intercolonial Railway, neither do I know whether there is such discrimination in favor of the Allan Line as compared with other lines, or by the Allan Line against

Canadian ports and in favor of foreign ports, as the hon. gentleman alleges there is, but these matters are of very serious importance to the public, and should be well considered by the Minister of Justice. If the Allan Line discriminates against Canadian ports and in favor of foreign ports, it should be inquired into; but I believe the matter is safe in the hands of the Minister of Railways, who has given a great deal of attention to the Intercolonial Railway since he assumed office. In four years he has converted the annual deficit of that line into an annual surplus. The management which has brought about such results must be wise and capable. I would require better evidence therefore, to be convinced that the Minister of Railways has discriminated against the line of railway which he has managed with such skill and care. The success which has attended his policy must have been largely due to the inducements which he has held out to the public to make use of the road. Some of the suggestions made by my hon. friend are worthy of consideration; and I should be very glad if the Government could see their way to doing anything to increase the trade of our Canadian ports. I believe that freight can be carried by the way of Halifax with greater despatch than by any American port, and I believe that the public generally realize that fact to a large extent. I am satisfied that the Government will do nothing to injure the trade which is so beneficial to us. We as Nova Scotians, feel a deep interest in the success of the Intercolonial Railway. It was at one time a white elephant on the hands of the Dominion; but under its present able management it has become a source of revenue to the country.

HON. SIR ALEX. CAMPBELL—I think nothing can be more unsatisfactory than this mode of discussing a question of this kind. The points involved in the question before us, are points of business which can only be discussed to advantage by business men, and with that time and that information which I am afraid the House does not possess; and I cannot but express my regret that the hon. gentleman from Halifax, with the paucity of information which he has, with a mere passing study of the subject, should think that he is in a position to lay down with any advantage, rules for the Government of this line and for the Government of the country in its dealings with it. Nothing, I think, could be more unsatisfactory than to hear the hon gentleman on the kind of information he has, stating the opinions he has submitted to the House as to what should be done, what the Government should do, what the Allans should do—all questions, it seems to me, which involve a great deal more time, attention and knowledge of the subject than the hon. gentleman seems to possess. The hon. gentlemen's complaints regarding what is done at Halifax, and regarding the Dominion line and the unfair position in which that line is placed, do not seem to have been shared in, or do not seem to have sprung at all from the City of Halifax or the Dominion Line. So far as I am aware, no complaints have come from the City of Halifax with regard to the rates which its merchants pay for freight; nor from the Dominion Line as to any imaginary unfair position in which they are placed with regard to the traffic carried on by them as distinguished from that which is carried on by the Allan Line; the hon. gentleman is apparently a volunteer in this matter. Now, with reference to the position which they occupy in Halifax, with regard to freight to that port, the hon. gentleman has not been able to establish, and it is no the fact, that any undue rate has been charged on freight to Halifax, per steamer. The truth is, that the ships of this line are obliged to go, for the purpose of obtaining cargoes, to American ports, and there they meet with a very intense competition which forces the line to lower its freights to a rate which does not pay. They are obliged, in order to get freight at all, to carry at an unduly low rate, and it is not that Halifax is charged too much or treated unfairly, but it is owing to the keen competition that Boston gets the advantage in rates. The hon. gentleman forgets that in the papers which he has obtained, and which have been laid on the table of the House, it would seem that the rates of freight from Liverpool or Glasgow to the point of destination are divided between the Steamship which brings it to Halifax and the Intercolonial Railway and other Railways, so if they gave a less freight to Halifax the Intercolonial Railway, and the Grand Trunk Railway, or whatever other line of railway

carried the goods, would also get less. So long, therefore, as the people of Halifax have no reason to say that they are charged excessive rates there is no grounds of complaint. The hon. gentleman mentions —and I daresay it is a fact—that some Halifax merchants have been able to get freights cheaper by way of Boston than direct to Halifax. That only shows the correctness of the assertion which I have made, that the freight to Boston is unduly low, and therefore the Halifax merchant, if he can get his freight by way of Boston for four shillings less than he could by importing directly to Halifax, let him do so, but he does not pay more than the fair rate. Now, there is no exclusive right with reference to the Allan ships. If the Dominion Line or any other line of vessels choose to run to Halifax regularly they would participate in all the advantages which the Allan Line enjoys. The hon. gentleman shakes his head ; I can assure him they would.

HON. MR. POWER—The reverse is stated.

HON. SIR ALEX. CAMPBELL—The Order-in-Council is as follows :

"On a memorandum dated 22nd November, 1882, from the Minister of Railways and Canals representing that the Allan Steamship Company have submitted propositions in relation to the transport of freight on the steamers of their line, and over the Intercolonial Railway, the object in view being that freight forwarded via Halifax or St. John shall be placed in a not less advantageous position, in respect of cost of transport than freight forwarded via Portland or Boston, and that as large a proportion as possible of this carrying trade may be secured to Canada.

"The Minister further represents that the Company agree to charge the same rates from Liverpool and Glasgow to the Maritime Provinces, Quebec, Ontario, and points West and North-West via Halifax or St. John, and the Intercolonial Railway, as via Portland or Boston; and they further agree that no discrimination shall be made by them, their officers or agents, here or in Great Britian, either directly or indirectly against the Intercolonial Railway route, it being a condition (inserted in order to prevent the failure of this arrangement through the undue competition of steamers which only occasionally visit these ports) that all steamers, rates by which from Great Britian, are less than those of the Allan Line for similar freight during the same week shall be charged the tariff rates over the Intercolonial Railway chargeable to merchants in Halifax and St. John for the forwarding of the same class of goods. The Company agree to accept the percentage of through rates set down in the hereto annexed lists representing the division of such rates between the Railway and the Company respectively, the whole arrangement to continue in force throughout the present winter.

"The Minister seeing how desirable it is in the interests of the Dominion that all possible encouragement should be given towards the maintenance of regular and reliable ocean communication between Canadian ports and Great Britain. Recommends that authority be given for the acceptance of the proposition made by the Allan Company as above stated, and for the adoption of the division of rates suggested. The Committee concur in the above recommendation and submit the same for Your Excellency's approval."

Now there is no clause in that to prevent the Dominion Line or any other Line of ships paticipating in the advantages of this contract. What it was required to prevent was a single ship, going there for some purpose (an isolated vessel making an occasional trip there) sharing the advantages which the Allan Line enjoy, because they undertook to maintain a regular Line, leaving the other side at an appointed time and arriving at their destination on a certain day, as specified in the contract. Is not that a fair and reasonable thing to do ? The hon. gentleman seems to think that the whole thing is easy, that the Allan Line is making a large sum of money, and that it would be quite fair to say to them "You shall do just as any ordinary ship"—but nothing could be more unfair. The hon. gentleman does not know the vicissitudes which the Allan Line has gone through in order to arrive at its present state of capacity and safety. I have had a memorandum placed in my hands with reference to that, which I shall read presently ; but I wish to say a few words first about the Halifax freight. I made enquiry of the Allans about Halifax freight, and I received this reply :

"Halifax merchants could formerly import cheaper *via* Boston than by direct steamers, and so also could Montreal merchants, in consequence of Cunard, Warren and Leyland Lines carrying goods to such points at unremunerative and unprecedented low rates, with the avowed object of forcing us to discontinue making Boston a terminal port for our mail steamers."

Now there is the whole thing. The hon. gentleman, I suppose, thought he could, with a few moments attention, get at the bottom of these things, and ascer-

tain why these large railway and steamship companies are obliged to deal with this question upon grounds of which the public are ignorant. I have just read the true explanation. Certain companies owning a line of steamships to New York and Boston, forced down the rates of freight to an unremunerative point, in order to drive the Allans away, and during that time Montreal as well as Halifax merchants might find it advantageous to get their goods via Boston. The hon. gentleman does not know what difficulty there is in securing the return freight. I have ascertained, by telegram, that to load such a ship as the *Polynesian* or *Sardinian* it requires two hundred and fifty car loads, brought down at the rate of about sixteen to a train. Then, to load such a ship as the *Parisian* it requires 400 car loads! Fancy how difficult it is to get that, and can it be supposed that if the Allan Line could get return freight they would not return to Halifax at once? They have no interest in going to Boston or other ports, except to get freight, and if they could get a cargo at Halifax, they would be delighted to go back at once. But when you find what an immense business it requires to furnish freight, it is obvious that it would be impossible to secure the necessary amount constantly, and therefore they are obliged to go further and compete with other lines and lower their rates. The Allans during a long series of years, have shown the most indomitable energy and perseverance, and have extended their line until they have brought it into such a state that it is justly the pride of this country. The United States cannot point to such a line, nor can any of our fellow colonies in other parts of the world; in fact, it is unrivalled in any country outside of England. Even in England, though the larger companies, for instance the Cunard, the Peninsular and the Oriental Line, own as many ships, I doubt if any private company in the world own so large a tonnage, and it must be remembered that the Allan Line has attained its present position only after great losses and many difficulties. Often their whole fortune has been in jeopardy while conducting the enterprises in which they are engaged.

HON. MR. POWER—That is not our business; we have nothing to say to that.

HON. SIR ALEX. CAMPBELL.—The hon. gentleman attacked the Allan Line and its management, and assumes to know more about it than those concerned. This enterprise was begun under a contract made in August, 1853, Messrs. McLean, McLarty & Co., of Liverpool, for a fornightly service in summer, and monthly voyages in winter, to the St. Lawrence and to Portland respectively by steamers of 1200 tons, the payment to be £1,238 1*s.* 11*d.* sterling per round voyage. That contract was not satisfactorily performed and was cancelled. In September, 1855, another contract was entered into with Mr. Hugh Allan for a fortnightly service to the St. Lawrence in summer, and monthly voyages to Portland in winter, by steamships of 1750 tons, at £24,000 sterling per annum, with exemption from light-house dues and other provincial charges; such contract to endure for five years from May, 1856. It was faithfully executed, but the service was not frequent enough to divert from the New York any considerable proportion of the Canadian correspondence to Europe, and the British post office declined to send regular mails by Mr. Allan's steamers. So, a second contract with Mr. Allan was made in October, 1857, to commence from 1st of May, 1859, for a weekly line of steamships. New vessels were to be used, of 2000 tons, and the payment was to be £55,000 currency per annum, and the contract was for six years. The enterprise was unfortunate, three steamers being wrecked; and the conditions of the contract, it was evident would not sustain the service; so a third contract was substituted from 1st April, 1860. This called for a weekly service by vessels of 2300 tons, and the subsidy was placed at $416,000 per annum, provision being made for the accomodation of mail clerks. Repeated disasters, however, caused so much dissatisfaction that that contract was terminated, and a fourth one was made by the then Postmaster-General, with Mr. H. Allan in Dec. 1863," for five years from 1st of April, 1864, for a weekly service by first-class vessels, which contract contained special stipulations as to increased caution against endangering safety of the vessels. The subsidy under that contract was $218,000 per annum, and it was renewed

for three years from April, 1869, with the same amount of subsidy, and with a proviso for continuance of it, after the three years, until a twelve-months' notice of termination should be given by either party. Another contract, being the sixth with Mr. (then Sir Hugh) Allan, was made from 1st of April, 1873, with a reduced subsidy of $126,533.83, to last for five years, certainly, with a proviso for continuance thereafter until a twelve months, notice of termination should be given by either party; and, under the proviso for continuing that contract, it is still in operation. Now, the hon. gentleman says that his company should receive notice of a new contract, and that the service should be conducted in a different manner. I tell him that the mode in which freight has been carried and all those considerations to which he has referred, have occupied the time and ability of men who are amply able to form a sound opinion upon the question. They have studied the subject thoroughly, and they have arrived at the conclusion, so far as the Government is concerned, that it is not our duty to give the Allan Line notice to terminate its contract. On the contrary, the service is one which has been well performed, and in the interests of the whole country. The Allans have always been ready, as I myself can bear testimony, to consider and adopt any suggestion that has been made for changes in the service. Two of those contracts were made by myself, and I can testify that they have always been ready to consider any reasonable propositions with regard to their line, its work, and the amount of its subsidy. The hon. gentleman would like the subsidy to be reduced by one half, and says that all the papers show concessions on the part of the Government; but he does not argue that these concessions are wrong. When business men meet for the purpose of discussing a question they do not ask for the impossibilities, but argue things which are reasonable, and do so in a reasonable spirit. In reply to the hon. gentleman's question I beg to say that the Government have no present intention of giving the Allan Line notice to terminate its contract; they are satisfied with the arrangement and think the sum paid for the service a reasonable one.

HON. MR. POWER—Although slightly out of order, I may be allowed to say a few words in reply to what has just fallen from the hon. Minister of Justice. In the first place, I think it is unfair for the Minister, instead of undertaking to deal with whatever arguments I may have presented to the House, to tell me that I do not know as much about the subject as other people who have considered it—that the Ministers who have considered this matter know more about it than I do. That may be perfectly true, but it is not a statesmanlike or a fair argument. The hon. Minister, when dealing with arguments or statements made by members of this House, should not, I respectfully submit, (and if the word is parliamentary, I trust I may be excused) "bulldoze" comparatively youthful members by such language as that. The speech made by the hon. Minister recalled to my mind a somewhat similar speech which was made here by him two years ago. There was a Bill before the Senate, which I ventured to criticise, whereupon the hon. gentleman told me and the House that the Bill in question had been prepared by the Minister of the Interior—the Premier—who knew a great deal more about Bills than I did, and that consequently I was altogether wrong in attempting a criticism of the measure. Within a very few days afterwards the Minister of the Interior stated in another place that he had never read the Bill. I do not wish to contradict the Hon. Minister of Justice now, but I very much doubt whether the Government at large have given this measure any very serious consideration. Living where I do, and having taken a good deal of interest in matters affecting Halifax; having for a long time been more or less in public life, though not in business in that city, it has been my duty to give attention to those matters; and I did not make any statement here with reference to the feelings of the people of Halifax that was not justified by the fact. Further, I did not say that everything that the Government had done was wrong; and the hon. Minister misrepresented my language.

HON. SIR ALEX. CAMPBELL—You said that the concessions were all on one side.

HON. MR. POWER—No, that was not what I said either. What I said was

this: that the Government appeared to have yielded everything that was asked by the Allans. That appears from the correspondence. The Allan Line yielded certain things; and I do not find fault with all the concessions the Government made; I do not say the Government were not entitled to credit for some of the concessions they obtained from the Allans. What I did say—and the Minister has not disposed of that assertion—was this, that it did not seem to me to be fair or just to make contracts which were adverse to the Dominion Steamship Company, without allowing that Company an opportunity to be heard by the Government; and I do not hesitate to repeat that assertion—that it was unfair exceedingly.

HON. SIR ALEX. CAMPBELL—They do not complain.

HON. MR. POWER—They may not know what is taking place. Now, the Minister said that this Order-in-Council did not bear the construction I put upon it—that the Dominion Line were to be charged higher rates than the Allan Line. The House will, perhaps, pardon me if I read again the telegram from Mr. Andrew Allan which is as follows—

"We assume that if we instruct our Liverpool and Glasgow agents to adopt same through rates via Halifax as by Portland and Boston, that you will refuse to convey through goods from other steamers at less than local tariff rates from Halifax or St. John, unless they agree to conform their through rates to ours. Any competition in rates would of course prove ruinous to earnings of the Intercolonial Railway on European traffic, as well as to the steamers. Kindly reply by telegraph.

"ANDREW ALLAN."

In order to point out at whom they were aiming, here is another telegram from the same gentleman to Sir Charles Tupper:

"OTTAWA, 21st Nov., 1882.

"Our friends cable that through rates via Halifax are reduced 50 per cent., in consequence of Dominion Line refusing to agree to through rates and insisting upon our charging higher rates via Halifax than by Portland. To prevent the unnecessary and disastrous losses arising from the course pursued by Dominion Line, kindly inform David Torrance & Co., agents of the Company's Line, by telegram, that local tariff rates will be exacted on their traffic via Halifax unless same through rates are maintained as via Portland. Please advise me by telegram that you have notified Torrances, in order that I may cable my friends without loss of time.

"ANDREW ALLAN."

They simply insisted that the Government should compel the Dominion Line of steamships to charge higher than they would otherwise have done via Halifax, and it does seem to me that is an unfair and unjust thing. I do not think that the Government should carry goods for the Dominion Line more cheaply than for the Allan Line; I never pretended to think anything of the sort, and I would not have said much if the Government had not made the concession to the Dominion Line which they did in the last instance to the Allan Line.

I say that it is simply an outrage to charge goods brought out by the Dominion Line local rates, which are just double those charged to the Allan Line.

The subject was then dropped.

NICHOLSON DIVORCE BILL.

SECOND READING.

HON. MR. KAULBACH moved the second reading of Bill (D), "An Act for the relief of Peter Nicholson." He said: Before proceeding to the order of the day, I would bring to the notice of the House a clerical error which has crept into our Journals on the first reading of the Bill, with regard to the commissioner who took the affidavit. It was reported to have been made in a county over which the commissioner had no jurisdiction, but I find the affidavit was made in the County of Essex and before a commissioner whose power was in the County of Essex, and not the County of Grey.

HON. SIR ALEX. CAMPBELL—That was the main objection, but it was not the whole of the objection.

HON. MR. KAULBACH—It was purely a mistake, and I would like the Journal should be altered so as to make it correct.

HON. MR. MILLER—It was no part of my objection.

HON. SIR ALEX. CAMPBELL—That difficulty was raised by the hon. gentleman

behind me, and not by my hon. friend from Richmond.

HON. MR. KAULBACH—I understood that the objection to the proof of service of this notice was not to affect the present action, as we have proceeded according to the general practice of the House except in one or two cases.

HON. SIR ALEX. CAMPBELL—I hope my hon. friend is prepared with some additional proof of the service of the notice on the respondent. I feel that the objection taken by the hon. gentleman from Richmond the other day is a very strong one, and it would be more satisfactory to the House if the hon. gentleman who has charge of this Bill is able to furnish more definite proof, would do so. If my hon. friend has any person here who can establish the service of the notice to the satisfaction of the Senate he should ask permission to have him heard before the Bar of the House.

HON. MR. MILLER—Is the respondent here?

HON. MR. KAULBACH—I am not aware that she is—of course I submit to the ruling of the House, though I consider as far as the practice of the Senate heretofore is concerned, that the proceedings have been regular. However, I do not wish to do anything that might prejudice any previous action respecting the presentation of the petition and reading of the Bill for the first time. If the House insists that further evidence of the service of the notice shall be given, I may say that the party who made the affidavit is here, and can meet that objection; but if this evidence is to be taken I wish it to be understood that it is not to affect the regularity of the proceedings before taken.

HON. SIR ALEX. CAMPBELL—I think it is more satisfactory to the House, if the witness is here that she should be called to the Bar to prove the service of the notice.

HON. MR. KAULBACH—Anticipating that such objections might be raised I have had the questions to be asked the witness prepared.

HON. SIR ALEX. CAMPBELL—What is the name of the witness?

HON. MR. KAULBACH—Martha Jane Chene, formerly, Dill. I believe she has changed her name since making that affidavit.

HON. SIR ALEX. CAMPBELL—In the position in which the House is placed, and considering the grave character of the objections that have been raised by the hon. gentleman from Richmond, and the fact that the witness whose evidence is in question in consequence of the irregularity of the affidavit is here, I would move that the witness be called to the bar of the House.

HON. MR. POWER—It seems to me that the course that the Minister of Justice proposes is altogether irregular. The order of the day is the second reading of the Bill, and without the unanimous consent of the House I do not see how the hon. gentleman can undertake a totally different thing from the second reading of the Bill. I make the suggestion that I do now in the interest of the petitioner; the object is to have the proceedings regular, and it seems to me that the order of the day cannot be suspended without the unanimous consent of the House.

HON. SIR ALEX. CAMPBELL.—I think the hon. gentlemen from Halifax, may be right in the point he has raised, but under the circumstances in which the affidavit was placed on the records, without any notice having been taken of it until the hon. gentleman from Richmond drew the attention of the House to the matter the other day, it is better that the service of notice should be proved at the bar of the House. This evidence should have been produced at the time the affidavit was filed, but the House passed it over. The want of complete proof of the service of the notice is still apparent; therefore, although it may be somewhat irregular, and although this evidence ought to have been given at an earlier stage, it would be better to have the proof of service made complete before the second reading of the Bill. I do not know that the consent of every member of the House is necessary, but I am sure if it were necessary, consent would be given.

HON. MR. MILLER.—If the witness is called to the bar of the House, I see no reason why any member, on motion, cannot put any question he likes.

HON. SIR ALEX. CAMPBELL moved that the witness be heard at the bar of the House.

HON. MR. TRUDEL.—There are certain members of this House who cannot give their consent to any such proceedings as are proposed in this legislation, and I would respectfully suggest in order not to uselessly occupy the time of the House, that it be entered on the records that all those proceedings are carried on a division.

The motion was agreed to on a division.

The witness having been summoned to the bar of the House by the Usher of the Black Rod.

HON. SIR ALEX. CAMPBELL said the form was that the witness should be sworn by the Clerk, and the hon. gentleman who had charge of the Bill should move that the witness be asked the question, and the Speaker asks the House whether the question shall be put.

HON. MR. KAULBACH—I wish to put in two certificates from the Clerk of the Senate to prove that the orders of the House have been complied with.

HON. MR. MILLER—I submit that these certificates cannot regularly come in now, as we are not at present dealing with the second reading of the Bill. The question we have before us at present is that the witness be heard at the bar of the House.

HON. MR. KAULBACH—I considered that the examination of the witness could not be proceeded with until such time as we prove that the preliminary requirements have all been complied with.

HON. MR. MILLER—The usual practice is that the gentleman in charge of the Bill moves that the question be put, and if the House approves of it the question is put by the Speaker.

The witness having been sworn, on motion of Hon. Mr. Kaulbach, she was asked the following questions:—

Q. What is your name, place of residence and occupation?

A. My name is Martha Jane Cheyne, of the City of Detroit, in the State of Michigan, one of the United States of America, wife of Robert Forest Cheyne. I have been married since the 6th day of April, 1882. My name was Martha Jane Dill before I was married.

Q. Look at the paper writing now shown to you marked "A," being a notice of petition for divorce on behalf of Peter Nicholson. Did you serve a true copy of that notice upon Rosetta Nicholson, and on what day and date, and at what place?

A. I served a true copy of the notice now shown to me marked "A" upon Rosetta Nicholson, on the sixth day of April, 1882, at the house of a man named Jones, with whom she is living at the City of Detroit, in the State of Michigan, one of the United States of America. The house was number 241 Beaubien street, in the said City.

Q. State the mode in which you effected such service?

A. I served the said copy of the said notice upon the said Rosetta Nicholson personally, by handing the same to her and leaving the same with her, having first read it over to her.

Q. Do you know the said Rosetta Nicholson and the petitioner Peter Nicholson?

A. I know the said Rosetta Nicholson, and I know the said Peter Nicholson.

Q. Did you compare the said copy of notice served by you with the original notice marked "A" now produced, and ascertained that it was a true copy of the said original notice?

A. I did.

Q. Did you make the affidavit annexed to the said original notice, and which purports to have been shown at Windsor, in the County of Essex, on the sixth day of April, 1882?

A. I did.

HON. MR. KAULBACH moved that the witness he allowed to withdraw.

The motion was agreed to, and the witness withdrew.

HON. SIR ALEX. CAMPBELL—I think that evidence is sufficient proof of the service of the notice, and the only regret one feels is that it was not offered at the proper time. I would suggest that the hon. gentleman should move that the evidence offered to the House of the service of this notice is satisfactory to the Senate, and that it be accepted as if it were offered at the time of the reading of the petition. I do not know of any other way of getting over the irregularity. I feel that what I am suggesting is not quite regular, but I think, on the whole, it is the best way to proceed, though I shall be glad to defer to the views of the hon. gentlemen of the legal profession on the point. It seems to me that in the position the House is placed, that the evidence of service was not satisfactory, and was not resolved by the House that it was satisfactory, it should be now resolved that this evidence is satisfactory, and that it be received as if it had been taken at the time the petition was read.

HON. MR. KAULBACH—I am very glad the hon. leader of the House has made the suggestion, and shall accept it as his motion.

The motion was agreed to on a division.

HON. MR. KAULBACH—I would now move that Robert Forest Cheyne be called to the bar of the House and examined.

The SPEAKER—The second reading of the Bill is now before the House.

HON. SIR ALEX. CAMPBELL—The preliminaries, according to the 76th rule, have to be first established. It is as follows:—

"The second reading of the Bill is not to take place until fourteen days after the first reading, and notice of such second reading is to be affixed upon the doors of the Senate during that period, and a copy thereof and of the Bill duly served upon the party from whom the divorce is sought, and proof upon oath of such service adduced at the bar of the Senate before proceeding to the second reading, or sufficient proof adduced of the impossibility of complying with this regulation."

The motion was agreed to.

The witness having been summoned before the bar, was sworn by the Clerk, and on motion of Hon. Mr. Kaulbach, was examined as follows:

Q. What is your name, place of residence, and occupation?

A. Robert Forest Cheyne, of the City of Detroit, in the State of Michigan, pattern-maker.

Q. Look at the paper writing now produced by you marked "A," intituled an Act for the relief of Peter Nicholson, and at the paper writing now produced by you marked "B," being an order of the Senate dated the nineteenth of February, 1883, both writings being certified by the Clerk of the Senate. Did you serve copies of these writings with the certificates thereon of the Clerk of the Senate upon Rosetta Nicholson, and on what day and date and at what place?

A. I served duplicate copies of the writings now produced by me, marked "A" and "B" respectively, with the certificates thereon respectively of the Clerk of the Senate, upon the said Rosetta Nicholson, on Saturday, the third day of March, 1883, at the house of a man named Jones, with whom she is living at the City of Detroit, in the State of Michigan, one of the United States of America. The house is number 241 Beaubien street, in the said City of Detroit.

Q. State the particular mode in which you effected such service?

A. I served the said duplicate copies of the writings "A" and "B" on Rosetta Nicholson personally by handing the same to her and leaving the same with her, having first read them over to her.

Q. Do you know the said Rosetta Nicholson and the petitioner Peter Nicholson?

A. I know the said Rosetta Nicholson, and I know the said Peter Nicholson.

Q. Did you compare the said duplicate copies of the writings "A" and "B" with the said writings respectively, and ascertain that they were true copies?

A. I did.

HON. MR. KAULBACH.—I would now move that the witness be allowed to withdraw unless hon. gentlemen have some further questions to ask him.

The motion was agreed to, and the witness withdrew.

HON. MR. KAULBACH moved that the certificate from the Clerk of the Senate be read.

The motion was agreed to, and the certificate was read as follows:—

OFFICE OF THE CLERK
OF THE SENATE OF CANADA.

I, Edouard Joseph Langevin, Clerk of the Senate of Canada, hereby certify that notice of the day fixed by the order of the Senate, made on Monday, the nineteenth day of February last, past, for the second reading of the Bill, intituled: "An Act for the relief of Peter Nicholson," was, pursuant to the Standing Order of the Senate in that behalf, affixed upon the doors of the Senate throughout a period of fourteen days next after the date of the first reading of the said Bill.

Given under my hand at the Senate Chamber in the City of Ottawa, Province of Ontario, Canada, this seventh day of March, in the year of Our Lord one thousand eight hundred and eighty three.

EDOUARD J. LANGEVIN,
Clerk of the Senate.

OFFICE OF THE CLERK
OF THE SENATE OF CANADA,
12th March, 1883.

I, Edouard Joseph Langevin, Clerk of the Senate of Canada, hereby certify that notice of the day appointed by the Order of the Senate, made on the seventh day of March instant, for the second reading of the Bill, intituled: "An Act for the relief of Peter Nicholson," was affixed upon the doors of the Senate throughout the period which elapsed from the said seventh day of March to the twelfth day of March instant, both inclusive, and that I did, pursuant to the said Order, give notice to the said Rosetta Nicholson of the said second reading, by a prepaid telegram addressed to her at the City of Detroit, in the State of Michigan.

EDOUARD J. LANGEVIN,
Clerk of the Senate.

Ordered, That the same do lie on the table.

HON. MR. KAULBACH moved that the petitioner present at the bar of the Senate, for the purpose of being examined as well generally as in regard to any collusion or connivance between the parties be not now examined, but that it be an instruction to any select committee to whom the Bill on the subject may be referred to make such examination.

The motion was agreed to on a division.

HON. Mr. KAULBACH—I now beg to move that the said Bill for the relief of Peter Nicholson be read the second time.

HON. SIR ALEX. CAMPBELL—Before the motion is adopted I think the hon. gentleman should file the telegram which was received by the Clerk of the Senate from the respondent, asking that the proceedings be stayed, and the reply of the Clerk, otherwise we would seem to be going on on the original service, proof of which has now been offered. As we did not go on, and as the second reading was postponed at the instance of the respondent, I think the evidence that she had made the request for the postponement, and the reply by the Clerk, should be filed.

HON. MR. KAULBACH—I am much obliged to my hon. friend for the suggestion. I think the reply is attached to one of the certificates put in already.

HON. SIR ALEX. CAMPBELL—This is the telegram from the respondent:

"By Telegraph from Detroit, Mich.
"To E. J. LANGEVIN,
"*Clerk of the Senate.*

"Re Nicholson divorce have proceedings "stayed. I desire to be heard. I am Peter "Nicholson's wife. Have just been notified; "my Solicitor will write.

"ROSETTA NICHOLSON."

Then the Clerk telegraphed this reply:

"OTTAWA, 7th March, 1883

"To MRS. ROSETTA NICHOLSON,
"Detroit Michigan, U. S.

"Second reading Nicholson's Divorce Bill "postponed until Monday next, to be first "order of the day.

"(Signed) EDOUARD J. LANGEVIN,
"Clerk of the Senate."

Of course it is not quite satisfactory, as there is no evidence to show that it is a genuine telegram, but the message having been sent by the Clerk of the Senate to the address that was given in the telegram, and to the address that was given at the bar, the respondent cannot complain that we have not given her the delay she asked for.

HON. MR. KAULBACH—I would also suggest that the reply of the Clerk to that telegram be put in as evidence.

The Bill was then read the second time on a division.

HON. MR. KAULBACH—I might say that this committee has been selected as suggested in the House the other day—that it should be, under the supervision of the Speaker of the Senate. I move that the said Bill entitled "An Act for the relief of Peter Nicholson" be referred to a select committee, composed of the hon. Messrs. Botsford, MacFarlane, Read, Lewin, Almon, Ogilvie, MacInnis, (New Westminster,) Haythorne, and the mover, with power to send for persons, papers and records, and that all persons summoned to appear before the Senate in this matter appear before the said committee.

HON. MR. HAYTHORNE—Before the motion is put, I wish to call the attention of the House to a circumstance connected with these peculiar cases which places members of this House, who happen not to be of the Catholic Faith, at a disadvantage. Our Catholic friends feel religious scruples as to serving upon these committees and consequently that duty falls with greater weight upon hon. gentlemen who are not of that particular denomination. It cannot be supposed that service upon these committees is of an agreeable nature, and I would shun it if I could, though I shall certainly serve if the House directs me to do so. This fact is one great argument which may be used on some proper occasion in support of a measure for removing decisions upon such cases from the jurisdiction of the Senate. I have served in this House and upon committees of this kind for many years and I now much prefer that some one else should be named instead. I think some of the young men—the junior members, who have been recently appointed—might very well be selected for that duty.

HON. MR. KAULBACH—I do not understand my hon. friend saying that he declines; we all feel it is an onerous duty, but that is part of the responsibility attached to us, and of which we all desire to be relieved as soon as possible.

HON SIR ALEX. CAMPBELL—Did the hon. gentleman, before he made his motion ascertain that authority should or should not be given this committee expressly to examine witnesses on oath?

HON. MR. KAULBACH—I think that is contained in one of the motions put. The committee have that power by statute.

THE SPEAKER—It is not in the motion.

HON. SIR ALEX. CAMPBELL—I think it is provided for in the statute. It is a private Bill, and I think that the committee has the right to administer the oath without any authority from the House. I think the hon. gentleman should have looked at it.

HON. MR. KAULBACH—I have just followed the practise of the Senate on other occasions.

HON. SIR ALEX. CAMPBELL—Is this in the same form as resolutions of this character on previous occasions?

HON. MR. KAULBACH—I think it is. I followed precedents.

The motion was agreed to.

PUBLIC LOAN BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (21), "An Act to authorize the raising by way of loan of certain sums of money required for the Public Service."

The motion was agreed to and the Bill was read the third time and passed.

NORTH WESTERN BANK BILL.

SECOND READING.

HON. MR. VIDAL in the absence of Hon. Mr. Allan, moved the second reading of Bill (F) "An Act to amend the Act Incorporating the North-Western Bank." He said—In the absence of the Hon. Mr. Gibbs, from indisposition, which I am sure we all regret, I beg to move the second reading of this Bill. It is a very simple measure, having but two provisions; one to change the name of the corporation, and the other to allow it to have its chief office for business either in Winnipeg or Toronto, as the directors of the said Company may desire. There is nothing

at all peculiar, or that needs explanation in the Bill.

The motion was agreed to and the Bill was read the second time.

CIVIL SERVICE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into committee of the whole on Bill (B), "An Act to amend the Canada Civil Service Act, 1882."

HON. MR. HAYTHORNE from the committee, reported progress, and asked leave to sit again to-morrow.

BILL INTRODUCED.

Bill (G), "An Act further to amend the Post Office Act of 1875." (Sir Alex. Campbell).

The Senate adjourned at 5.30 p.m.

THE SENATE.

Ottawa, Tuesday, March, 13, 1883.

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (H), "An Act further to amend the Interpretation Act."—(Sir Alex. Campbell.)

Bill (I) "An Act to Incorporate the Canadian Rapid Telegraph Company, limited."—(Mr. Carvell.)

HON. MR. CARVELL moved that the Bill to Incorporate the Canadian Rapid Telegraph Company be read the second time on Friday next.

HON. MR. MILLER suggested that it would be better to postpone the second reading until some time next week. The hon. gentleman had not given due notice of his intention to present the Bill this session, and it was well to have the second reading postponed, in order that parties interested should have an opportunity of knowing that the Bill was before the Senate.

HON. MR. CARVELL—When this Bill was before the Committee on Standing Orders and Private Bills with the petition, which was necessarily without notice, the Committee made a condition precedent to reporting it that such notice as was possible should be given, and on consulting gentlemen who, I thought, were better posted in such matters than I was, we decided to send a telegram to the Anglo Canadian Company, the only agents of the Company that I know of on this side of the water. That telegram was sent last Thursday, informing them that a Bill of this nature would be introduced here yesterday. The Company having cable communication with the province in which I reside have had sufficient notice, but I have no objection to adopting the suggestion of my hon. friend from Richmond.

The Bill was ordered for second reading on Tuesday next.

SUPERANNUATION ACTS AMENDMENT BILL.

IN COMMITTEE.

The House went into committee of the whole on Bill (C), "An Act to amend and consolidate the Acts relating to the superannuation of persons employed in the Civil Service of Canada."

In the committee,

HON. SIR ALEX. CAMPBELL said that in the administration of the Superannuation Acts certain difficulties had arisen from time to time regarding the persons to whom they were intended to apply. These difficulties had been brought up chiefly before the Treasury Board and it was in order to remove them in the future that this Bill had been, for the principal part, framed. The sub-sections of the first clause defined the persons to whom the Bill should apply, and were the paragraphs which were new in the measure, so far as the legislation of the Senate was concerned. The first sub-section was as follows:

1. All officers, clerks and employés in or under the several Departments of the Executive Government who are paid a yearly salary, and to whom "The Canada Civil Service Act, 1882, applies, and who in case they were or are appointed after the coming into force of that Act, were or are appointed in conformity with its provisions.

That would include the great bulk of public servants who, for the most part, are paid yearly salaries and who do come under the Canada Civil Service Act.

The motion was agreed to.

On the second sub-section which was as follows :—

2. All such officers, clerks and employés of the second or outside division of the Civil Service, to whom "The Canada Civil Service Act, 1882," does not apply, and who are employed in an established capacity, and paid a yearly salary as the Governor-in-Council may, from time to time, designate.

HON. SIR ALEX. CAMPBELL said that there were a certain class of persons who were called the "outside service." The committee might not be aware that the Civil Service Act, as framed and administered for many years, did not include the outside service, although it was originally intended that it should. This second sub-section was to make the officers of the outside service, if employed in an established capacity and paid a yearly salary, eligible to this pension if the Governor-in-Council should see fit. The hon. member from De Lanaudière (Mr. Bellerose) had asked how this would effect the wardens and chaplains of penitentiaries: it would enable the Governor-in-Council to apply the provisions of the Act to them if it should be thought fit.

HON. MR. MASSON asked what would be done in case the chaplain of a penitentiary should be withdrawn from the service, not by his own desire, but by the ecclesiastical authorities? Would that deprive him of any consideration at the hands of the Government?

HON. MR. POWER wished to know if the sub-section applied to employees on the railways—conductors for instance, who are a most deserving class of officers, whose duties are very onerous, and who are in a great many cases obliged to retire from the service, owing to injuries, or ill-health caused by exposure in the discharge of their duties. He did not know whether they were paid yearly salaries: if not the term "yearly salary" would shut them out.

HON. SIR ALEX. CAMPBELL said with reference to the chaplains of penitentiaries, that the difficulty to which attention had been called had already arisen with reference to two, the chaplain in the Kingston Penitentiary and the chaplain at St. Vincent de Paul Penitentiary. In the former case it was found that an order had been passed granting a pension; in the latter, when the point arose it was found almost impossible to deal with the case of a chaplain who might be removed by ecclesiastical authority, as at St. Vincent de Paul, and in consequence of that the right to contribute to the Superannuation Fund was withdrawn from the chaplain at Kingston, and the amount which he had paid was returned with interest. The warden of a penitentiary would be eligible if the Government was pleased to place him on the list. If he (Sir Alex. Campbell) was asked to go further into the case of the chaplains, he would say the chances were that the Government would be constrained to prevent them from contributing to the Superannuation Fund for the reasons which he had already mentioned. With reference to the higher officers on Government railways, they might be put on the list, if the Governor-in-Council should so determine, but the Government did not think it advisable to allow persons employed by the month, such as conductors and subordinates to consider that they were permanent officers of the Government.

HON. MR. MASSON thought that persons in the military branch of the service, such as storekeepers and paymasters, were entitled to as much consideration as any employees of the Government. He believed the Government had disposed of the cases of the Adjutants-General and Brigade Majors, by limiting the term of their service on the staff to five years.

HON. SIR ALEX CAMPBELL said it was correct that they had so decided with reference to the staff officers. It had been found that the plan of keeping

such officers permanently on the staff was working injuriously to the service, and, therefore, it was thought desirable to introduce the rotation system in force in England, making a change every five years, and that was inconsistent with giving a superannuation allowance. With reference to the storekeepers and paymasters, no decision had been arrived at by the Government; the Government could place them on the list of those contributing to the Civil Service Superannuation Fund if the matter should be brought up and that course should be deemed advisable.

HON. MR. MASSON, suggested that it would be easier to form an opinion on the subject if the Government had been prepared to state their decision as to the manner in which they would deal with those officers.

HON. SIR ALEX. CAMPBELL said it was inconvenient to discuss in a way which was not decisive, the claims of those individuals. It would have been impossible for the Government to have prepared a list of those to whom the Act should apply, because sometimes those cases came up without sufficient information to enable the Government to arrive at a decision without making further inquiry. All he could say was that the persons to whom the Act would be made to apply would be mentioned from time to time in the public accounts, and the matter would be subject to the control of Parliament.

HON. MR. MILLER thought it would be very difficult for the Government to furnish a complete list of all those to whom, under this second sub-section, the Act should apply, but he did not think it would be at all impossible to present a very full list. The objection to this clause was that it left too much to be done by the Governor-in-Council, which was the most objectionable of all legislation. It was divesting Parliament of its powers and handing them over to the Governor-in-Council. He did not see why a large class of those officers should not be included in the Bill, and a discretionary power after that might be left to the Government to add others, as they might consider necessary; but he thought it was taking a very wide range, indeed, to leave the whole question of the outside service to the discretion of the Governor-in-Council.

HON. SIR ALEX. CAMPBELL said it was not quite the whole outside service, but all to whom the Canada Civil Service Act does not apply. It was suggested to make it a provision in the Bill that a list of those persons should be laid on the tables of both Houses of Parliament so that members might have their attention particularly called to the mode in which the Act was applied by the Government. He saw no objection to laying such a list on the table, but the difficulty was to prepare a list of persons to whom this Bill would apply beforehand. In the first place there was want of time; in the next place there was want of information, and it would necessarily be a very imperfect list for both reasons. There was no desire at all to withdraw the matter from the control of Parliament; on the contrary, as far as the ease and comfort of the Government were concerned they would rather have the sanction of Parliament in advance. If it was thought desirable he would frame a provision to the effect that no person should be put upon this list from and after the 1st of July next, whose name and services have not been placed in the schedules laid before Parliament, and remained unobjected to for so many days.

HON. MR. MASSON considered that this Chamber should know the principles upon which the Government propose to act in future—not whether this particular officer or that particular officer would have a right to a superannuation allowance, but whether such a class of officers would have the right to superannuation. This information might easily be given to the House before taking the final stages on this Bill, and then they would know exactly what they were doing. He agreed with the Hon. Minister of Justice that it was exceedingly difficult to prepare a correct list to be laid before Parliament this session.

HON. MR. PLUMB said that the superannuation list could be found in the public accounts every year.

HON. MR. POWER suggested that the Minister of Justice should frame an addition to this sub-section, which would provide that the Government should lay on the table of Parliament each Session, a list of the employees who would come under the provisions of this Act.

HON. MR. SCOTT thought before proceeding to the next clause, it might be proper to make an enquiry as to whether the Government had arrived at any policy as to the mode of calculating the superannuation with regard to the outside service. For instance, a man who had served 20 years in the outside service, and had paid nothing to the Superannuation Fund, would in five years from now be placed on the superannuation list; would his period date only from the five years, or would it date 25 years back; or on what basis would his superannuation be decided? It was very important to decide this, inasmuch as the fund should not be loaded down with charges that were not originally contemplated. He could readily see that in the future the fund would come to be a very serious tax. The figures in the return which the hon. leader of the Government had brought down to the House the previous day show that the Superannuation Fund was swelling very largely in proportion every year. From the year 1874 to 1879, the total increase was in round numbers, $45,000—an average increase of about $9,000 a year. During the last three years, from 1879 to 1882 according to the return submitted to the House yesterday, it had increased from $113,000 to $160,000—in other words the increase during the last three years had been as great as that of the preceeding five years, and if they were going to load the fund down still further with this privilege given to the outside service it would be a very serious tax. In 1873 the superannuation contribution had been reduced one-half, which was, in his opinion, a very great mistake, and since that time it had been running in arrears steadily. This subject of pensions was not one that was looked upon with any degree of favor in Canada, and the amount chargeable annually against this fund should be kept within some reasonable proportion, or else the parties who were to benefit by it eventually should be made to contribute more largely to the fund. He would like to know whether the Government had laid down any principle to guide them in the superannuation of employees where the parties had contributed to the fund for only a limited term.

HON. SIR ALEX. CAMPBELL said that the matter had been considered and in some cases had been acted upon even under the old Act, in such a case as had been suggested by his hon. friend, where a man had 20 years of service, and where he was put in a position to contribute and did contribute for five years, he was superannuated on the average of his three last years' salary, and he was made to contribute his percentage for the whole 25 years.

HON. MR. SCOTT—In a lump sum or deducted from his superannuation?

HON. SIR ALEX. CAMPBELL said it was deducted from his superannuation allowance so as to bring him up to the period of his first year's service. It had been done in the case of the deputy warden of the Kingston Penitentiary who had been contributing for a few years, before his superannuation, and the amount he should have paid during the whole period was deducted from the first payment to him. The hon. gentleman from Hamilton (Mr. MacInnes), who was a member of the Civil Service commission, knew the condition of the Superannuation Fund better than he did, and in the report that gentleman had presented to the House as chairman of the commission two or three years ago, the fund was described as being in a prosperous condition.

HON. MR. MACINNES said with reference to the charge upon the revenue of the country for superannuation allowance, he might say that the statements that were annually laid on the table of the House of Commons were rather of a misleading character. They did not correctly convey the actual working of the Superannuation Act. The Civil Service Commission had entered into a very careful calculation as to the working of the Act; it was made out by experienced accountants, and the result showed that instead of its being a charge upon the revenue the superannuation allowance had actually been a gain,

these gains arising from the indirect benefits of the working of the Act.

HON. MR. SCOTT asked how much was contributed last year.

HON. MR. MACINNES said he had not looked at the figures, but he had sent for the report, and he would be able to explain very clearly to the House from it how the Act had operated.

The consideration of the sub-section was allowed to stand for further discussion.

HON. SIR ALEX. CAMPBELL moved the adoption of the third sub-section.

HON. MR. POWER said the question had arisen as to whether the officials of the House of Commons and Senate were liable to contribute to the Civil Service Fund. His impression was that of late years they had not been contributing, and if they were to receive the benefit of the fund they should contribute to it. The wording of this clause left a doubt as to whether it included the officers of the Library of Parliament, and he suggested an amendment to the sub-section to include officers of the Library of Parliament.

HON. SIR ALEX. CAMPBELL said that formerly the contributions to the fund for the employees of the House of Commons had been charged against the contingencies of the House, and the Senate had adopted the same system, but attention having been called to the matter it had been stopped in both Houses, and the clerks now pay their own superannuation fees. He had no objection to the amendment proposed by the hon. gentleman from Halifax.

HON. MR. POWER asked how the officers of the printing department were appointed and whether they were clerks of either House.

HON. SIR ALEX. CAMPBELL replied that some were officers of one House and some of the other. He suggested that it would be better to have the clause read—"the permanent officers of the Senate and House of Commons, and the permanent officers and servants employed in the Library of Parliament." He thought that would cover it.

HON. MR. SCOTT here read from the statement which had been placed in his hands, and which showed that from 1870, to 1882, the revenue from the Superannuation Fund had actually fallen instead of increasing, though no doubt a much larger number of persons were at present employed. In 1871, the receipts were $49,000; while in 1881, they were only some $46,000. In detail the receipts each year were given as follows:—

1870-71	$49,000
1871-72	53,000
1872-73	54,000
1873-74 (which was the year in which it dropped)	34,000
1874-75	36,000
1875-76	38,000
1876-77	40,000
1877-78	41,000
1878-79	41,000
1879-80	43,000
1880-81	44,000
1881-82	46,000

In 1870 the charges upon the sum were very nearly met by the receipts, which might almost be said to have continued until 1873, that booming year. He wondered how the hon. gentleman from Hamilton, (Mr. MacInnes), could justify the observation which he had made, though he had qualified his remarks by stating that a number of officers were got rid of on the assumption that they were no longer equal to their duty. He, (Mr. Scott), had his doubts about the correctness of such a statement, and knew many instances in which officers in the public service had greatly improved their condition after being retired. In fact, being thrown upon their own resources had made their fortunes. He complained that the places of superannuated officers had been subsequently filled, in many instances, by the appointment of others at higher figures, which accounted for the unduly swollen expenditure.

HON. SIR ALEX. CAMPBELL asked if the hon. gentlemen thought the percentage should be put up to the old rate?

HON. MR. SCOTT said it should at all events be so arranged that it would not unduly tax the revenue of the country; it was now paid out of the consolidation fund, the sum of $120,000 having been paid last year towards that list from the

revenue of the country, while the contributions to the fund were only $46,000.

THE SPEAKER asked what was the amount paid on account of superannuation.

HON. MR. SCOTT said it was $160,319. The receipts and expenditure on account of the fund were as follows :—

	Receipts.	Expenditure.
1870-71	$49,000	$12,880
1871-72	53,000	38,000
1872-73	54,000	53,000
1873-74 (when the percentage payable was reduced one-half)	34,000	64,000
1874-75	36,000	77,000
1875-76	38,000	111,000
1876-77	40,000	104,000
1877-78	41,000	106,000
1879-80	43,000	127,000
1880-81	44,000	147,000
1881-82	46,000	160,000

He thought the statement needed no comment, the figures were very significant, and he thought the Government should consider whether this superannuation tax ought not to be raised.

HON. MR. MASSON said there were many reasons which contributed to the present expenditure, but in some instances it would be difficult to keep this fund down. He thought if the Government would observe the provisions of the Civil Service Act, which they themselves had asked for, and replaced superannuated officers by others who should begin at the lowest salary, they would in the end effect a saving through the operation of the Act. The position taken by the hon. member from Hamilton (Mr. MacInnes), would then prove itself to be true, but so long as the superannuation is given to officers having high salaries, and those officers are replaced by others receiving an equal amount, it cannot but follow that the expenditure will increase. The Government should fill the higher vacancies by promotion of junior officers, without necessarily giving the officers so promoted the salaries of those who have been superannuated.

HON. MR. MACINNES said he did not question the correctness of the figures quoted by the hon. gentleman from Ottawa, (Mr. Scott), but those figures were incomplete. He then read the following figures to show the working of the Superannuation Act from its commencement down to the time at which the report of the Civil Service Commissioners was written, which dealt with the decade immediately preceding that date. The saving during that time, in the various department, was as follows :

Finance	$48,548 73
Agriculture	18,000 10
Inland Revenue	42,570 00
Public Works	21,000 00
Marine and Fisheries	30,263 00
Secretary of State	5,482 00
Interior	6,893 00
Customs	177,398 73
Justice	8,100 00
Privy Council	2,436 00
Governor General's Office	703 00

or a total saving of $361,423.88. Against which, however, they had to place losses in the following departments, viz. :

Railways	$23,000 00
Militia and Defence	3,725 00
Post Office	6,107 00
Total	$32,000 00

leaving a net gain during the ten years of $328,566.18. These figures could be found in the appendix to the report of the commission, and they were the result of careful calculation, made without prejudice, and showing the exact working of the superannuation system. The figures of the hon. gentleman from Ottawa, while quite correct so far as they went, did not show the whole of the facts, as was the case with the figures prepared by the commission.

HON. MR. SCOTT then referred to the case of the superannuation of Mr. W. B. Simpson, ex-collector of Customs at Montreal, who received a superannuation allowance of $3,150, and who was succeeded by the present incumbent at a salary of $4,000, thus entailing an expenditure of $7,150 against $4,500, which the country paid two years ago. It was in this way that the large sums shown in the public accounts were to be explained. They entailed a very much larger tax upon the general revenues of the country than was ever contemplated when the system was inaugurated, for it was then supposed that the fund would be nearly, if not, altogether self-supporting.

HON. MR. PLUMB said that the payments for superannuation in 1873-74 were $61,442 while in 1878-79 they were $113,531, showing an increase during the period when the friends of the hon. gentleman from Ottawa had the control of that fund, of $52,000; whereas the difference between the figures of 1878-79 and those of 81-82, was some $50,000, or several thousand dollars less increase under the present administration. There were 379 pensioners drawing from the Superannuation Fund, among whom about $160,000 were distributed, showing a very small average payment to each individual. It never was intended by any Government that the Civil Service should bear the expense of paying their own pensions, and instanced the investigation in England, about 1857, into the Act, which resulted in releasing the Civil Service there from these contributions, the Government not wishing the service to have a vested right to such a fund. He considered the salaries of the civil servants of Canada were already low enough and opposed the argument of the last speaker, that the service should be compelled to maintain such a list. He referred to the charge of the hon. gentleman from Ottawa that the payments under the fund had been largely augmented for the purpose of making vacancies, which assertion he considered unwarranted. He also noticed that hon. gentleman's remark as to the probability of the fund assuming in future years proportions similiar to the pension list of the United States. That list, as last published, amounted to $54,296,000, which, divided by 10, to make allowance for the difference in population, would give a proportionate pension list for Canada of $5,429,600, while the actual expenditure here was about $160,000.

HON. MR. SCOTT—You are including the military pensions?

HON. MR. PLUMB said that the hon. gentleman had spoken of the United States Pension List. He (Mr. Plumb) considered that civil servants who had served the country faithfully, and too often for very small salaries, might very fairly be given a pension for their old age. He admitted there might be some half dozen cases like that of Mr. Simpson, quoted by the hon. gentleman, where the retiring allowance was large, but the majority of annuitants received very small sums, and their original salaries were also very low; yet $40,000 of the $160,000 expended under that fund was contributed by the Service, so that they really got from the Government only $120,000, and he could not understand the drift of the argument used by the hon. gentleman from Ottawa, if he did not intend that the officials should pay for this fund, which would certainly remove the only present advantage of being in the service. He felt that the allowances were not large enough, and would be glad to see them increased, but still he considered that the hon. gentleman had failed to make a point against the Government for increasing the expenditure under the fund. Reference could not be made to a previous debate, but objections had been made to those who came to the Senate with figures taken from the blue books. Well, they did not invent their facts on his side of the House, and therefore they must have an authority, and they preferred to take the blue books.

HON. MR. SCOTT said the statements which he had made were entirely drawn from the figures placed in his hands by the leader of the Government in this House.

HON. SIR ALEX. CAMPBELL—They are not contradicted.

HON. MR. SCOTT said the conclusion which had been drawn from them was that in the earlier years, when this fund was created, the Government, by Act of Parliament, had required that four per cent, (in some cases less), should be paid to that fund, and that while that proportion was paid the fund was large enough. The point he had made was that in 1873, the present Government, who were then in power, reduced the amount payable to the fund and, so far as he knew, without any pressure upon them to make the reduction. The disproportion from year to year between receipts and expenditures had since become greater, until they reached the figures which he had quoted.

HON. MR. ALMON said he would have been very much appalled by the figures stated by the leader of the Opposition if

he did not remember that only the other day that hon. gentlemen, in quoting figures, was only a hundred millions of dollars out.

HON. MR. SCOTT—I was not one hundred millions out. I stated that the exports of the United States had one year reached a thousand millions of dollars; I have since looked up the figures and I find that they were over nine hundred millions.

HON. MR. ALMON said he also remembered that when the debate took place on the railroad question the hon. gentleman asserted that the income of the Southern Pacific Railway was more than the revenue of all the other railroads in the United States put together. He remembered other instances in which the hon. gentleman was out to a considerable extent in his figures, and therefore he (Mr. Almon) was not frightened at those statements. The hon. gentleman was given to figurative speaking, and was in the habit of throwing about hundreds of millions in a reckless way, which older members of the Senate were accustomed to, but which had a tendency to appal younger men. There was nothing at all strange that the amount paid for superannuations had increased; it was likely to go on increasing from year to year until those who had been superannuated had passed away. The hon. gentleman had stated that the cause of this increase was that the Government wanted to find offices for persons who had served them well.

HON. MR. SCOTT—Hear, hear!

HON. MR. ALMON supposed it was unparliamentary to impute motives. He might as well attribute the course pursued by the hon. gentleman on this subject to a desire to punish the Civil Service for not voting as he wished in the late elections.

HON. MR. POWER said the atmosphere of the Senate, as a rule, was serene, perhaps too serene, and he was glad to see that the importation of a few younger members from the other branch of Parliament had introduced a little of the fire which accompanied discussions there. The hon. gentleman from Niagara, in making his calculations, had credited the figures for 1878-79 altogether to the late Administration. He must have been aware that during the latter half of that period, the present Administration were in power, and made a good many superannuations, with the very object which had been mentioned by the hon. member from Ottawa. If the Government were to learn any lesson from this discussion, it was that embodied in the remarks of the hon. gentleman from Mille-Iles (Mr. Masson), that if the Act had been applied according to the original intention this discrepancy between the receipts from the contributions of civil servants and the amounts paid out would not have arisen. In the printed return which had been placed on the desks of members he noticed two or three items which showed the character of these superannuations. He found under the head of the House of Commons that J. P. Leprohon, assistant clerk, who had been in receipt of a salary of $2,300, was superannuated with a retiring allowance of $1,543.92, the cause assigned being ill-heath. He had met Mr. Leprohon on the streets recently and had found him very active and in excellent health. He had been replaced by a member of Parliament who had served the party faithfully for a long time. Perhaps there was no connection between these facts, but it was a little singular that the new official received a salary of $2,400. In that case there was a loss of over $1,600 to the country.

HON. MR. MACINNES—It is not a dead loss; you must remember that the gentleman who has received the appointment contributes to the superannuation fund.

HON. MR. POWER said it was only two per cent. and was not worth mentioning. In that very same department, two years previously, there had been a superannuation of a similiar kind; the Clerk of the House had been superannuated, though he was apparently quite capable of discharging the duties of the office.

HON. MR. MACINNES said that those instances worked against the superannuation fund, but there were numerous other instances which worked the other way. If the hon. gentleman would refer to the statement prepared last year, he would

find that the Superannuation Act instead of being a loss to the country had been a gain.

HON. MR. POWER knew that those calculations were often fearfully and wonderfully made, and puzzled simple people, but the facts which he had stated were on the face of the return.

HON. MR. MACINNES—But you did not read the whole of the facts.

HON. MR. POWER said the hon. member from Ottawa had read the whole of the figures; he (Mr. Power), was giving some of the facts which accounted for those figures. If the principle laid down by the hon. member for Mille-Isles had been adopted in the House of Commons; supposing it had been desirable to superannuate Mr. Leprohon, (which it was not) the vacancy should have been filled by promoting some official already in the service, and the country would have been saved the loss which it had sustained. In the Department of Inland Revenue, Mr. McLean Stewart, a Crown Timber Agent, whose salary was $2,600 had been superannuated with a retiring allowance of $1,820, and his successor received $2,000. In the same department A. J. Russell, also a crown timber agent, and receiving the same salary, was superannuated with a retiring allowance of the same amount, and was replaced by an officer drawing a salary of $2,000. In the department of Customs, W. H. Kittson, a collector of Customs, with a salary of $2,600, was superannuated with a retiring allowance of $1,820, and his successor receives a salary of $2,600. In the same department, G. B. Spencer, a collector, with a salary of $2,600, was retired with an allowance of $1,664, and his place was filled by an official who draws $3,000, $400 more than Mr. Spencer had received.

HON. MR. MACINNES.—What was the increased amount of business transacted at that port?

HON. MR. POWER—I did not think there was much between the retirement of one official and the appointment of the other.

HON. MR. MACINNES—That appointment was at Winnipeg, and the increase in the Revenue there was extraordinary. The duties of the Collector at the port of Winnipeg, are exceedingly arduous.

HON. MR. POWER said there was another Collector, W. A. Stephens, whose salary had been $700, who was granted a retiring allowance of $434: his successor was appointed at a salary of $700. Then in the office of the Secretary of the Governor General, the Chief Clerk, Mr. John Kidd, who had been in receipt of a salary of $2,300, was given a retiring allowance of $1,564, and his successor received $2,200. He, (Mr. Power), had seen Mr. Kidd last year, and he appeared to be then a healthy and active man. An idea had suggested itself to him from the remarks made by the hon. member from Mille-Iles, and some other hon. gentlemen --that if the Government were to make this same fund also contribute to the support of the families of persons who died in the service, the contributions might be increased to at least four per cent.

HON. SIR ALEX. CAMPBELL did not think that either the last speaker or the hon. member from Ottawa had paid sufficient attention to the statement made by the hon. member from Hamilton with reference to the facts ascertained by the Civil Service Commission. The case of Mr. Simpson was referred to for the purpose of showing how adversely it had worked against the public revenue. That was quite true in that instance, but what the Commission had done was to investigate and report upon the working of the Act for ten years. That result was shown to be a saving to the country. He called attention to the second sub-section of the fourth section, which provides that no civil servant shall be superannuated unless the Treasury Board reports that he is eligible within the meaning of this Act, and that such superannuation will be in the public interest. This rule was laid down for the express purpose of securing an economical administration of the Superannuation Act, and he hoped and believed that the Treasury Board would exercise great care in recommending superannuations.

The clause was adopted, as amended.

On the 12th section.

HON. MR. POWER thought the language did not convey the desired meaning. As it stood, it would exclude persons who had been in the employ of the Governments of Prince Edward Island and British Columbia before those Provinces entered the Union. He suggested that the words "before such Province became a portion of such Dominion" should be substituted for "before the coming into force of the British North America Act of 1867."

HON. SIR ALEX. CAMPBELL agreed to the amendment.

The clause as amended was adopted.

On the 15th clause "Annual return to be made to Parliament."

HON. MR. POWER thought it would be better to indicate more clearly the time when those returns should be laid before Parliament, and the return should state, in addition to other particulars, the age and length of service of the persons superannuated. The clause should also provide that the returns should be laid on the table within fifteen days after the opening of Parliament in each year.

HON. SIR ALEX. CAMPBELL said he had no objection to the proposed amendments.

The clause was amended accordingly, and agreed to.

HON. MR. POWER said he would now lay before the Committee the strongest evidence of his confidence in the present Government by proposing a clause which would authorize the Government to make some provision for the families of those employees who died in the service.

HON. SIR ALEX. CAMPBELL said he would be very apt to lose whatever confidence he had in the hon. gentleman from Halifax if he insisted on such an amendment as that. Such a provision could not be interjected into this Bill, and he could not accept it.

HON. MR. MILLER said that the hon. gentleman from Halifax knew very well that the amendment could not be accepted, and he had only suggested it to have an opportunity of showing his confidence in the Government.

HON. SIR ALEX. CAMPBELL moved that sub-section two of clause one be adopted.

HON. MR. MASSON wished to know before the Committee rose, if the hon. Minister of Justice would be able to give the House some idea of the principles which were to guide the Government in the application of this Bill before it passed its final stage. The Government should be prepared, when asking Parliament to vote for this measure, to say to what classes of officers it would be applied.

HON. SIR ALEX. CAMPBELL said he would endeavor to make a statement, if it could be made, though he saw great difficulty in preparing it.

The sub-section was agreed to.

HON. MR. VIDAL from the committee, reported the Bill with several amendments.

The amendments were concurred in, and the Bill was ordered for third reading to-morrow.

BILL INTRODUCED.

Bill (16) "An Act to incorporate the Central Bank of Canada." (Mr. Simpson.)

The Senate adjourned at 5.30 p.m.

THE SENATE.

Ottawa, Wednesday, March 14, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SUPERANNUATION ACT CONSOLIDATION AND AMENDMENT BILL.

THIRD READING.

The Order of the day having been read

for the third reading Bill (C), "An Act to amend and consolidate the Acts relating to the superannuation of persons employed in the Civil Service of Canada."

HON. SIR ALEX. CAMPBELL—In answer to a suggestion made yesterday by my hon. friend from Mille-Iles, I said I should endeavor to make some statement to-day as to the principle on which this Bill would be applied. The principle to be adopted by the Government is very much as it is developed in the clauses of the Bill—that is, it is to apply to persons who are paid an annual salary, officers whose cases have met with the favorable consideration of the Treasury Board as well as the favorable consideration of the chiefs of the departments. I am not able to specify the classes of servants to which the Bill will apply. Indeed there has not been time to form an opinion which would be of any value to the House, or of any service to my hon. friend as to what classes the Bill would be applied to. I could only make a loose statement on the subject; for the reason I have mentioned I am not able to make an accurate one. The Government desire in this Bill to practise, as the Bill shows, very careful economy; it will make it necessary for the Treasury Board in every case to consider the claims of the persons who come for superannuation, and to satisfy themselves that the person is entitled to it by law. Under the general language of the Act, and with this restriction, and with the information I am glad to give, that the Government desire to carry out the object of the measure in the most economical way possible, I do not know that I can give any more accurate information, or specific information as to the classes of servants to whom it may be applied. A classification might be prepared that could be laid on the tables of both Houses during the next session of Parliament, at all events whether the classification is prepared or not, a list of the individuals dealt with during the vacation would, under the law, have to be laid on the tables of both Houses. There might also be a classification, and I shall endeavor to have one prepared against next session. With this explanation I move the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

POST OFFICE ACT AMENDMENT BILL.

SECOND READING.

The Order of the day being read—second reading of Bill (G), "An Act further to amend the Post Office Act, 1875.

HON. SIR ALEX. CAMPBELL said: This Bill has for its object the prevention of the use of our post offices for the purposes of circulating information, or letters, or applications connected with illegal lotteries. The occasion for the Bill has arisen in St. Stephens, N. B., where some persons have established themselves for the purpose of dealing in lotteries which are to be drawn in the United States. The provision which is found in this Bill exists in the post office law of the United States. Parties there cannot circulate information or letters respecting lotteries through the mails of the United States, but if mailed in Canada, as we have no such law on our statute books they are sent through the United States post offices in that way. The United States mails are obliged to take the letters because they come from a foreign post office. This Act will only apply to illegal lotteries, and the clauses are taken verbatim from the United States Post Office Act.

The motion was agreed to, and the Bill was read the second time.

THE NICHOLSON DIVORCE BILL.

FIRST REPORT OF THE COMMITTEE.

The Order of the day having been read for consideration of the first report of the Select Committee on Bill "D," "An Act for the Relief of Peter Nicholson."

HON. MR. MACFARLANE said: The Committee to whom this matter has been referred have deemed it necessary to have the services of a shorthand reporter to enable the testimony to be taken down rapidly and transcribed by means of a type writer for the use of the Committee.

HON. MR. MILLER—I do not propose to oppose the adoption of the report, but I think my hon. friend is to be congratulated on having asked the permission of the House for the Committee to employ

a shorthand writer. That course has no been hitherto adopted by other committees. I think it is an irregularity that any Committee of this House should take upon themselves to employ reporters and pay them out of the contingencies without the sanction and authority of the Senate having been previously obtained. I wish also to call the attention of the Chairman of the Committee to the fact that some change might be made in the mode of performing this duty. The present mode of taking evidence is unnecessarily expensive, as the practice has been to take down the question as well as the answer. I see no reason why the evidence should not be taken down in narrative form, and presented to the House in that condensed shape. It only adds to the expense and to the bulk of the evidence, as well as to the trouble of perusing it, by reporting the questions as well as the answers. I throw out this suggestion to my hon. friend, and I hope the matter will receive the attention of the Committee.

HON. MR. MACFARLANE—No doubt the evidence as previously taken has been unnecessarily expensive, and the matter has already engaged the attention of the Committee.

HON MR. BOTSFORD—The practice has been to take the question as well as the answer in reporting evidence in those cases, and from my recollection I think that is the course which was pursued in the House of Lords, when they had to deal with such matters. I think also that in any case of unestablished precedent our standing rules require that reference should be had to the proceedings of the House of Lords. I think it would be desirable, under those circumstances, that the Committee should not act upon their own responsibility in the matter, but a resolution should be passed directing the Chairman to apply to the Senate to obtain the sanction of the House with regard to the mode of proceeding. It has been the universal practice in the House of Lords, that both question and answer should be taken down and reported to the House.

HON. MR. MILLER—That is a matter within the discretion of the Committee, and it would not come under our rule obliging us to proceed according to the customs of the House of Lords. Our practice is different altogether from that of the House of Lords, when that august body had jurisdiction over divorce matters. At that time the evidence was taken before the bar of the House, and such evidence when given before the bar of the House, is taken in a very different way from what it is before a court of justice or a committee. A member moves that a question be put to the witness. The motion is put from the Chair, and the question is afterwards put to the witness; but that is a very different state of affairs from taking evidence before a committee. A committee is only required to take down the substance of the evidence which may be adduced before it, and to report such evidence to the House as they consider necessary for a proper consideration of the measure.

HON. MR. KAULBACH.—I think it would be more satisfactory to have the questions reported as well as the answers. It would not take up much more time, and the additional expense would be comparatively trifling. I think the evidence taken in that way gives a better idea of the character of the witness, and as to whether the testimony was given voluntarily or not. You can scarcely tell by reading evidence taken in the narrative form how it has been drawn from the witness, and it is desirable that members of the House should be as fully in possession of the character of the evidence as members of the committee. One can form a better opinion of the credibility of the witness by reading the questions as well as the answers, and seeing how the testimony has been obtained from the witness, than can be formed by reading evidence in the narrative form.

HON. MR. POWER—I am sorry that I cannot agree with the hon. gentleman from Lunenburg in this matter. I think it is much more easy to follow the evidence of a witness when it is taken down in narrative form, without interruptions, than when the questions and answers are given. The rule in taking evidence is, that if a question is objected to the question and objection are noted, and the object of the hon. gentleman would be attained in that way, I think one-third of the expense and

one-third of the time would be saved by leaving the questions out.

The motion was agreed to and the report was adopted.

CIVIL SERVICE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House went into Committee of the Whole on Bill (B), "An Act to amend the Canada Civil Service Act, 1882."

After a conversational debate in committee,

HON. MR. HAYTHORNE from the committee reported the Bill with certain amendments.

The report was received and the amendments were concurred in. The Bill was ordered for a third reading to-morrow.

The Senate adjourned at 4.55 p.m.

THE SENATE.

Ottawa, Thursday, March 15, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE DEFENCES OF BRITISH COLUMBIA.

MOTION.

HON. MR. MACDONALD moved—

That an humble Address be presented to His Excellency the Governor-General, praying that his Excellency will be pleased to cause to be laid before this House, copies of all correspondence between the Dominion and Imperial Governments, and between the Dominion Government and the Government of British Columbia, on the subject of having one or more of Her Majesty's ships of war stationed continuously on the Coast of British Columbia.

He said: It will be in the recollection of many hon. gentlemen that the terms of union with British Columbia contain a promise on the part of the Dominion Government to use its influence with the Imperial Government to keep ships of war stationed on the coast of British Columbia. The clause reads as follows:—

"The influence of the Dominion Government will be used to secure the continued maintenance of the naval station at Esquimault."

How far the Dominion Government has pressed this matter I don't know, but I do know that no attempt has been made by the English Government to make Esquimault a permanent naval station. I know and feel that it would be an extremely delicate matter for a colonial government to ask the Imperial Government to maintain a naval station on any of its shores; but to ask that a portion of a squadron, which must be on a certain station, should cruise in the vicinity of a numerically weak and remote province, is a different matter, and not too much to ask, especially when no extra money expenditure is involved. In moving for correspondence on this subject, I desire to bring to the notice of the members of the Government the present defenceless condition of the western coast of the Dominion. We are in a different position from the eastern part of the Dominion—here there are very few Indians, the white population is large, and in the event of outside or European difficulties, you are within a few days' steam of England, from which aid can easily reach you. Not so with us; it would take months before help from England could reach us. We have a large Indian population, and we are far removed from the fleet on the South Pacific—our position is entirely different. Since the formation of the colony over twenty-four years ago, I cannot remember any time in which we did not have one or two ships of war on the coast of British Columbia. But this winter there is not even an English gunboat in the North Pacific, where there are large Imperial and Colonial interests. Whilst in the South Pacific—from Panama to Peru and Chili—there are eight to twelve ships stationed, in a very hot and unhealthy climate, extending from 10° north to 30° south. In those revolutionary countries, no doubt, British residents require protection, but not to the entire neglect of British possessions. It is true that the Empire is now at peace, and anything which I may say on a warlike subject may appear out of place. But, hon. gentlemen,

and all who watch the progress of events and the action of different governments, must arrive at the conclusion that Europe is one vast military camp. We see nation vieing with nation in the construction of engines of destruction, and certainly all that is not done for amusement. It shows a mutual distrust among nations. Russia has recently ordered 10,000,000 projectiles or missiles from the great German manufacturer, Krupp, and is the only naval power to be feared on the Pacific. She has established a large arsenal and naval station at Nikalaevsk, on the river Amoor, within a few days steam of British Columbia. During the last war between Russia and Turkey several ships of war belonging to the former power lay in San Francisco harbor, ready for action on the firing of the first shot by the British fleet in the Dardanelles. On that occasion the Dominion Government acted with commendable alacrity in sending an officer of artillery to improve our land defences. I believe the honourable leader of this House was Minister of Militia at that time, which no doubt will account for the action so readily taken at that time. The stealthy encroachments of Russia on the territory north of India and China, together with her traditional ambition to extend her boundaries to the Bosphorus, may at any time lead to a collision with England.

Then to come nearer home we have a population of about 30,000 Indians, the most of them in their savage state, face to face with an equal number of whites, and although they have behaved wonderfully well considering their power and numbers, yet there is no telling when serious disturbances may take place, and it is neither re-assuring nor pleasant to know that the Province is powerless to quell anything of the kind. Her Majesty's ships on more than one occasion have done excellent service in teaching refractory Indians a wholesome lesson, and I feel quite sure that we owe our immunity from troubles to the presence of those ships on our coasts: they have instilled into the savage mind great respect for the white man's means of defence. A few weeks ago we had an instance of our present helpless position. The Provincial Government received reports of Indian troubles in the northern part of the Province, about 500 miles from Victoria, and there was neither an Imperial or Dominion vessel to send to the supposed disturbed district; consequently the Provincial Government was obliged to apply to the United States Government for the use of a gunboat, which was willingly granted, and for which that government deserves our thanks. Yet it is not proper that we should be compelled in a matter of that kind to go to a foreign government when a little forethought would have obviated the necessity. I would ask the attention of the Government to this question—disturbances internal or external would seriously interfere with our trade and commerce, and anything which might injure any part of the country would injure the whole. All that is required is some persistency in asking the Imperial Government to keep a portion of the Pacific squadron continuously on the western coast of the Dominion, where they would be fully as well occupied as in the South, and where they would have the benefits of a better climate and better food.

HON. MR. NELSON.—I have much pleasure in seconding this motion. You all know our defenceless position in British Columbia at present, a position which is much more important now than it was 10 or 12 years ago, when we were a separate colony. It is now the sea coast, on the Pacific, of the Dominion of Canada: it was then the sea-board of a comparatively small country: but it is more neglected now than it was then. My hon. friend in speaking of the late war between Russia and Turkey, referred to the fact that there were Russian vessels at San Francisco at that time, but he has forgotten the peculiar events which occurred then. At that time we had but one small gunboat on the coast of British Columbia, a gunboat which has since been sent home, the "Rocket." It possessed very small power from a steaming point of view, and still smaller power as a war vessel. At that particular time a Russian corvette left San Francisco with a knowledge that the only means of defence we had in the Province was this little gunboat, and came up to British Columbia absolutely steaming into the harbor of Esquimault. She came with the belief that war would be declared between Great Britain and Russia by the time she arrived on our coast, and

that the dockyard at Esquimault would be opened to her attack. It happened, as it usually does when British war vessels are required any where, that one of the larger gunboats of the British Navy had steamed into the harbor of Esquimault a few hours before the arrival of the Russian corvette, and, of course, our position then was very different. If it had not been for the presence of that vessel, the Russian war ship would have been able to blow the "Rocket" out of the water, and bombard Victoria, if war had been declared as was expected at the time. Now, that is a position which we should never be placed in. At that time everybody believed that war between Russia and Great Britain was inevitable, and there is no doubt that the Russian corvette came there with the belief that war would have broken out before her arrival at Esquimault. I think the knowledge of the position which our Pacific Coast is placed in, should induce the Government of the Dominion to impress upon the Imperial Government the necessity of taking action. The question assumes the very greatest importance when we reflect upon the fact that we have a very extensive coast on the Pacific, with large harbors which require protection. Unless proper precaution is taken, it is easy to imagine what a simple matter it would be for the Russians, in case of war, to come down upon us and take possession of the country, and it would be a very serious matter to dislodge them. I hope such an event will never happen, but I think it would be wise on the part of our Government to take the matter thoroughly into consideration, and press upon the Imperial Government the necessity of maintaining a sufficient fleet in those waters, more particularly, as the British Government always have a very extensive fleet in the Pacific. It is true that more southern climates offer greater attractions to the admirals and crews of the fleets than any which our country can present; still, it is a very great mistake to leave the coast of British Columbia unprotected; and, I repeat, the Dominion Government should look upon the matter very seriously and represent the position of affairs to the Imperial authorities.

HON. SIR ALEX. CAMPBELL—The subject to which attention has been called by the hon. members from British Columbia, is no doubt one of the very first importance. There has been a correspondence between both the Local and the Dominion Governments, and between the Imperial authorities and the Government of Canada on the subject. A portion of that correspondence, at all events, can be brought down; another portion, if I remember right, is marked "secret." The Imperial Government did not explain why Esquimault is no longer made the depot, as it were, of operations on the Pacific Coast, but I think in the course of the correspondence they say they will always take care to have one of the vessels of Her Majesty's fleet in that neighborhood, the coast of British Columbia. That does not entirely meet the objects which my hon. friends have in view; but, at all events, it may re-assure them as to the amount of protection which shall be constantly at the disposal of the authorities in British Columbia, and on its coast. I believe also, and I think may safely state it, that the Minister of Militia has in contemplation some measures on his part with reference to the defence of British Columbia, and I assure my hon. friends that the matter has engaged the very serious attention of the Government, and that they have been exceedingly anxious to take care that the coast of British Columbia shall not be exposed to dangers in the event of war with Russia or any other power. In a war with Russia it would be peculiarly exposed, in consequence of the naval establishments on the Pacific coast possessed by that power, and which are within a few days sail of the coast of British Columbia. The Government are fully alive to that point, and have done, and are doing, all that they can to impress on the Imperial authorities the necessity of providing such protection as their fleet can afford in the waters of British Columbia, and are anxious on their own part to do what can be done to improve, at all events, the military position of that coast. There is no objection to the address.

HON. MR. POWER—Before the address passes, I wish to say I feel that the ministry, and hon. gentlemen from British Columbia must concur with me in feeling a regret that they had not brought this matter to the notice of the Govern-

ment a year ago. At that time the Administration would have been able to detail the Dominion ship "Charybdis" for service in British Columbia waters. I ve no doubt if that vessel were in the bor of Esquimault, the very sight of would be enough to scare away any number of Russian corvettes.

HON. MR. MACDONALD—We had her there before.

The motion was agreed to.

THE MILITARY CAMP AT BERTHIER.

MOTION.

HON. MR. PAQUET (in French) moved

That an humble Address be presented to His Excellency the Governor-General, praying His Excellency to cause to be laid before this House:—

1. Copies of all tenders for work, in earth or in wood, to be done at the Camp at Berthier, in 1882, in connection with target-practice, stating the rates of the various tenders, and the names of persons to whom the contracts were awarded.

2. A Statement of the tenders filed in the Department of Militia and Defence, for the transport, thither and back, of tents and other stores; to whom the contracts were awarded, and what rates were paid.

3. A Statement of tenders for the canteen, showing to whom the contract was awarded.

4. Also, a list of tenders for furnishing bread, meat and other articles required for the said camp, with a list of names of the contractors, of the prices accepted, the quantities furnished by each, and the amount paid in each case.

He said:—I have no personal knowledge of these matters, nor have I any complaint to formulate. I merely ask for these papers, because complaints have been made on the subject, and it is desirable that the facts should be made public.

HON. SIR ALEX. CAMPBELL.—There is not the slightest objection to the address, and I am quite sure it will turn out that whatever has been done by the Department of Militia in the matter, has been done in such a way as will secure the approbation of my hon. friend.

The motion was agreed to.

BILL INTRODUCED.

Bill ( ), "An Act to amend and consolidate the laws relating to Penitentiaries." (Sir Alex. Campbell.)

CIVIL SERVICE ACT AMENDMENT BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved that Bill (B), "An Act to amend 'The Canada Civil Service Act, 1882,'" be referred back to Committee of the Whole, to add the following sub-section to section:—

"5. In the case of Attorneys, Barristers, Engineers, Architects, Actuaries and Land Surveyors, the examination may be dispensed with, on a report from the Deputy Head concurred in by the Head of the Department, that is not necessary."

He said these were professional men who were introduced into the service where examination was not necessary and could not be be conducted under the machinery of the Bill.

The motion was agreed to.

HON. MR. HAYTHORNE, from the Committee, reported the Bill with the amendment, which was concurred in.

The Bill was then read the third time and passed.

The Senate adjourned at 4 o'clock.

THE SENATE.

Ottawa, Friday, March 16, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE NICHOLSON DIVORCE CASE.

PETITION.

HON. MR. BOTSFORD presented a petition from Rosetta Nicholson, wife of Peter Nicholson, asking to be supplied with means to defend herself before the

Divorce Committee. He moved that the rules be suspended to permit of the reading of the petition immediately.

HON. SIR ALEX. CAMPBELL—I hope the hon. gentleman does not propose to proceed further with it than reading it.

HON. MR. BOTSFORD—I propose to refer it to the select committee appointed to consider the Bill for the relief of Peter Nicholson.

HON. SIR ALEX. CAMPBELL—I do not think it can go there; it ought to go to the Private Bills' Committee. The committee to whom was referred the Bill for the relief of Peter Nicholson have nothing to do with this petition, which, as I understand it, is a request to be allowed some money consideration for the purpose of employing counsel.

HON. MR. BOTSFORD—That is, in fact, the object of the petition, and it is important that it should go to the Divorce Committee at once. It is customary in those proceedings for the committee to take into consideration the propriety of compelling the husband to supply means for the defence of the respondent. Therefore, as the committee are desirous of proceeding with this matter without delay, and as witnesses have come from a long distance and are under considerable expense, it will expedite the proceedings if this petition is referred to the committee, who will consider it and make the necessary order.

HON. MR. MILLER—The hon. Minister of Justice mistakes the nature of this petition. The matter of the divorce of Peter Nicholson, is now before a select committee struck by this House. This is a petition in relation to that divorce, and it is usual, without reference to the standing orders, committee, when a petition is presented relating to a certain matter already before a select committee of the House, to refer all papers in connection with the subject to that committee. Though my hon. friend (Mr. Botsford) has taken a wise precaution to move the suspension of the rule to allow the petition to be read, I am not so sure that it is necessary; I am inclined to think that the petition could go to the committee at once. I cannot see any objection to it. The object is to prevent delay, and I think it is desirable in the interest of both parties that the matter should be considered at once. Where the wife is unable to employ counsel it is the usual rule that she should be supplied with the necessary means to do so. I believe that is the practice in the House of Lords.

HON. SIR ALEX. CAMPBELL—How has the fact of her inability been established? Is there any affidavit.

HON. MR. MILLER.—There is an affidavit attached to the petition. The fact has not been established at all, but you refer it to the committee for the purpose of establishing it.

HON. SIR ALEX. CAMPBELL—And they report it to the House.

HON. MR. MILLER.—Yes.

HON. MR. KAULBACH.—I am fully alive to the necessity of having this matter settled as quickly as possible, and have no objection to the motion.

The motion was agreed to.

HON. MR. KAULBACH.—I think it would be well for the House to consider whether the committee would not have the power, if there should be really no good ground for defence, to say whether the petitioner should be charged with this expense.

HON. SIR ALEX. CAMPBELL.—That would be a question for the committee.

HON. MR. KAULBACH.—I say I think that should be a matter for the committee to consider.

HON. MR. MILLER.—I wish to call attention to the countenance given by the leader of the House to the principle announced by the hon. member for Lunenburg—that in case it should be found hereafter that the defence is not a valid one—the counsel fees for the defence should not be charged against the husband.

HON. SIR ALEX. CAMPBELL—How has that received my countenance?

HON. MR. MILLER—The hon. member for Lunenburg threw out the suggestion, and I understood the Minister of justice to nod assent to it.

HON. SIR ALEX. CAMPBELL—I said it would be a question for the Committee.

HON. MR. MILLER—If, then, it is to be a matter of doubt whether in the end the counsel for the defence is to be paid, you might as well refuse to grant the prayer of the petition. No counsel, with any regard for his own personal honor, would take up the defence under such circumstances. You might as well deny her the privilege which is accorded on all occasions to persons situated as she is, as to attach a condition of that kind, or to suppose for a moment that, whatever the result may be, if the Committee recommend to the House the employment of counsel, that counsel is not to be paid under certain circumstances.

HON. MR. POWER.—If I understand the hon. member for Lunenburg aright he does not mean that the counsel is not to be paid at all events. The only question that the hon. gentleman has raised is as to the source whence the counsel's pay is to come. The petitioner in this case pleads that he is an exceedingly poor man, and if it should appear that the respondent has no substantial defence, he thinks, and the hon. member from Lunenburg appears to be of the same opinion, that it would be unjust to saddle him with the expenses of that defence. Then it would be a matter for the committee to consider whether the costs should be defrayed from some other source. I did not understand my hon. friend to say that they should not be paid.

HON. MR. BOTSFORD—I move that the petition be referred to the committee appointed to take into consideration the Bill for the relief of Peter Nicholson. In former cases of this kind the question of the employment of counsel for the defence has been taken into consideration by the Committee and not by the House. The practice has been different in the House of Lords, where petitions have been presented to, and dealt with by the House. In the Senate however, the practice has been to leave the matter to the Committee, and they have taken all the evidence with respect to the position of the respondent and her inability to employ counsel, and recommended the course to be followed. In order to avoid the delay, which would otherwise occur, I have moved the reference of this petition to the Committee.

HON. SIR ALEX. CAMPBELL—With the idea that they will report upon it.

HON. MR. BOTSFORD—Yes.

HON. MR. MACFARLANE—I think on two or three occasions the committee have supplied the necessary funds at the request of the wife on an appeal of this kind; for instance, in the Gardner Divorce case last session such a recommendation was made, and the report came up to the House for confirmation. It is a matter which comes very properly before the committee, the ability of the respondent to supply the funds for her defence. When the petitioner is a very poor man and he may not have the means himself to supply the funds, the evidence on that fact, as well as on the others, would be necessarily examined into by the committee. If the petitioner had a good case, the committee would not be disposed to stop the proceedings because of his inability to pay the expenses of the defence.

HON. MR. MILLER—The great object is to expedite the case, and it is in the interest of the petitioner himself to do that. It is just as well that the Committee should know the feeling of the House on this question before they undertake to decide the matter. The hon. member for Halifax (Mr. Power) suggests that I did not comprehend the proposition of the hon. member from Lunenburg. Now I understand the remark of the hon. member for Lunenburg to be this: that in case a good defence was not shown, no charge for counsel for the defence of the wife should be made against the husband. I object to any such understanding being arrived at. By whom should the counsel fee be paid if not by the husband? Does the hon. member suppose that the country is to bear the expense?

HON. SIR ALEX. CAMPBELL—Of course not.

HON. MR. MILLER—That is certainly the inference, and the only inference to be drawn from the remarks of the hon. member from Halifax. I am glad that the leader of the House has said that of course the country is not to bear this expense.

HON. MR. ALMON—If we are to judge by the affidavit and the circumstances the respondent is a poor woman, and must have counsel. I should be very sorry to sit on the committee if she had not a lawyer to defend her, because I would feel that she had not a fair chance to get justice or to bring the facts before us. I think it is likewise very unfair that the husband, who is a very poor man—he is a government official and we know his salary, $700 a year—and who has a family to support, and is likely to enter into the matrimonial state again, should have to pay for the defence against his own action. It would be a hard condition to impose if he were a wealthy man, and it is doubly so when he is, as we know, a poor man. With all due deference to the leader of the House, I do not see any difference between this case and a case in a court of law. If a man is brought before a court on a charge of larceny and he says he has no means to employ a lawyer, the judge always appoints someone to defend him. Such a case as that would only occupy a few hours or a few days at the most, but in this case you ask a man to attend here for a fortnight or three weeks, or as long as the case may last, and to pay the expenses of witnesses and retain a lawyer.. I do not know whether it is law, but it is justice that if the respondent is to have a lawyer he should be paid, not by the man who brings the suit, but by the Senate.

HON. MR. KAULBACH—I do not wish to anticipate the facts of this case. They are not elicited yet, and therefore I have refrained from stating anything that has not been regularly laid before the House. I have not heard from either of the parties and I do not know what their circumstances are. We only know from rumor whether these parties are poor or not. But if the petitioner is a poor man he should not be denied justice; he should not be saddled, not only with the cost of the prosecution, but also of the defence, if that defence should be without good foundation and vexatious. The man came here with a certain amount of means, expecting that the case would go on at once. He has been here now for weeks and has brought witnesses from a long distance; if this additional expense is thrown on him it may be more than he can sustain. Surely the leader of this House will not say that the petitioner, under these circumstances, is to be denied his rights and refused justice. It would be a grievous wrong to him, if the defence should turn out to be without good foundation, to compel him to bear the expense of it. If such a rule is established here, no matter how good a petitioner's case may be, a defence will be set up with a view to hamper the petitioner and to cause needless expense. I am not now referring to this particular case: I am speaking of a general principle. It would be very easy for the friends of a respondent to induce her to oppose the petitioner who, if a poor man, might thus be prevented from obtaining justice.

HON. MR. MILLER—What would be the position of the question if it were understood that in cases were the defence is not made out by the respondent, the counsel fees for the defence should be paid out of the public funds? Would not that bring about the very calamities the hon. gentleman has declaimed against?

HON. SIR ALEX. CAMPBELL—We have no authority and no right to employ the public funds in that way. I do not understand the question to be an existing one. I supposed when the hon. gentleman from Halifax spoke, that he meant the question was not between the respondent and the public, but between the respondent and the petitioner—that she should herself bear the expense.

HON. MR. MILLER—No, that the public should pay it.

HON. SIR ALEX. CAMPBELL—I hope the question will be studied with the precedents of the House of Lords, and that the committee will be careful how far they saddle the respondent with

the costs of the wife's defence, until after they have seen what is done in the House of Lords on that point. It is a serious thing to do, and one, I am afraid, on which it is very difficult to form a conclusion, as we do not know the circumstances of the petitioner and the respondent, or the character of the prosecution, or of the defence. The committee will, I hope, act very slowly in deciding the question.

HON. MR. KAULBACH—In the House of Lords very poor people could not seek a divorce. I daresay in all cases the petitioner may have been obliged to bear all the expense.

HON. MR. HAYTHORNE—When the petitioner came to Parliament to obtain a divorce from his wife, he ought first to have sat down and counted the cost; but to say because he is a poor man that therefore his poorer and still more unfortunate wife should appear without counsel to defend her, would be a barbarous proceeding. It would be like going back to the time when criminals were not allowed to have counsel to defend them. The committee already have a distasteful duty to perform, and that duty would be still more distasteful if it were accompanied by the reflection that a poor woman might be perfectly innocent, but through the action of the House might not be able to establish her innocence. I think we should follow the course pursued in the Campbell divorce case, in which the committee were empowered to order the husband to make such provision as in their opinion was consistent with his ability to supply the woman with the means of defence.

The motion was agreed to.

CENTRAL BANK OF CANADA INCORPORATION BILL.

SECOND READING.

HON. MR. SIMPSON moved the second reading of Bill (16), "An Act to incorporate the Central Bank of Canada."

He said: This is an Act which comes from the House of Commons. The parties petitioning for this Act, are men of standing, both socially and financially. The capital is fixed at $1,000,000, and the head office is to be at Toronto, with power to establish branches at such other places as the directors may see fit.

The motion was agreed to and the Bill was read the second time.

POST OFFICE ACT AMENDMENT BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (G) "An Act further to amend the Post Office Act, 1875."

HON. MR. MONTGOMERY, from the committee, reported the Bill without amendment, and it was then read the third time and passed.

NORTHERN RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. ALLAN moved concurrence in the following amendment made by the committee on railways, telegraphs and harbors to Bill (E), "An Act respecting the Northern Railway Company of Canada."

"The Company may enter into agreements with any Company or Companies with which, under the second section of the Act passed in the forty-first year of Her Majesty's Reign, Chapter twenty-six, it may have power to enter into agreements for the leasing and other purposes therein mentioned, to guarantee the payment of the interest when the bonds, debentures and other securities of such other Company or Companies wholly, or partly, instead of paying rent, and thereupon guarantee the payment of the said interest directly to the purchasers or holders of the said bonds, debentures or other securities: Provided, however, that no such agreement to guarantee shall take effect until it shall have been submitted to and receive the approval of two-thirds of the stock and bondholders of the Company present, and voting in person or by proxy at any meeting called for the purpose."

He said: The object of this amendment is simply to give the Company the option, instead of paying a certain amount in the shape of rent, to guarantee the payment of the interest on the bonds or debentures of the Company whose line they may lease, and it is made subject to

the approval of a vote of two-thirds of the bondholders before that course is adopted.

The motion was agreed to.

HON. MR. ALLAN—As that is the only amendment, and as it is one which I think the House thoroughly understands, I would propose, with the permission of the House, that the Bill be read the third time presently; otherwise, we would not be able to read it until next week.

HON. MR. POWER—I have had an objection to some portions of this Bill, and I raised that objection in the committee before which the Bill came. I propose to raise it in the House, and I think the more satisfactory way would be to let the third reading stand over until Monday. The Bill is going down very early, and there is no fear of it being lost in the other House. I think the regular rule is that a Bill only takes one step at each sitting, and it is my opinion that we had better pursue the usual course.

HON. MR. ALLAN—Perhaps if the hon. gentleman will state his objections to the Senate, the House can judge if it is of sufficient weight to make it worth while to postpone the third reading. It is quite true that the hon. gentleman brought forward this objection in the committee, but he could not get anybody to support him, and the House may take the same view. If so, it is hardly worth while to put off the third reading.

HON. MR. POWER.—I am not going to discuss what took place before the committee, but as I understand the rule of the House, I am within my right in asking that the Bill do not take a second step at the same sitting.

HON. SIR ALEX. CAMPBELL.—That rule does not apply; that means the first, second and third reading.

HON. MR. POWER.—If I am in error, then I am quite prepared to go on and discuss the matter; the House will then be able to judge whether there is anything in my objection. I think there is something in it, but I was not quite prepared to discuss the question to-day; and it is just possible that by Monday I might be satisfied that there was not anything very serious to object to in the clause. In that case I should not oppose the third reading.

AN HON. MEMBER.—It can be considered in committee.

HON. MR. POWER.—A great many things are considered by committees and carried, which do not turn out afterwards to be altogether proper. I have a perfect right to bring the matter before the House, and I propose to do it, since the hon. gentleman will not consent to let it stand over until Monday. I ask the members of the House to be kind enough to look at the Bill, in order to understand the objection which I take; if I am not mistaken there is some substance in it. The fifth clause of this Bill empowers the company.

"To purchase, take and hold at convenient places along the line of their Railway or its branches, or of any railway leased by the Company, or along the line of any Railway worked jointly with the Railway of the Company, such lot and lots of land or parcels thereof as the Directors of the Company may think advisable or necessary for the use and convenience of the same and, the traffic thereof, and for providing facilities therefor, and for supplying ballast and other materials necessary for the keeping of the said lines of Railway respectively in sufficient repair, with power to acquire the right of way to any such lot or lots which may at any time be required for the purposes above mentioned."

I call the attention of the House to that wording, which does not limit the land which the Company are empowered to take, to such land as may be reasonable or necessary, but it is just whatever land the Directors of the Company think advisable or necessary. Their judgment is to decide the whole matter.

HON. SIR ALEX. CAMPBELL—What is the language of the clause of the Consolidated Railway Act?

HON. MR. POWER—I was just about coming to that. Now, the suggestion I was going to make was, that instead of taking this exceptional language, that the sections of the Consolidated Railway Act of 1879 which apply to the taking of land for this purpose, should be made to apply to this end. No cause was shown before the committee why they should not, and

I think it is a reasonable and proper thing to do. I propose to show to the House that it is only by accident there is any question as to the effect of the section, and the general Act applying. The consolidated Railway Act of 1879 is in most ways an exact transcript of the General Act of 1868; There have been a certain number of additions, but there have been very few substantial alterations. The two sections of the Act of 1868 which referred to the taking of land for railway purposes by railway companies are seven and nine, and those sections are numbered the same in the Act of 1879. The 7th and 9th sections of the Consolidated Railway Act of 1879 deal with the same question. The 9th section of the Act of 1879 is a little fuller than the same section of 1868, but substantially they are the same. Now I have in my hand a second volume of the Acts of 1875. In the 65th chap. of the statutes of that year is—

"An Act to re-arrange the capital of the Northern Railway Company of Canada, to consolidate the enactments relating to the said company to enable the said company to change the guage of its railway, and to amalgamate with the Northern Extension Railway Company, and for other purposes."

It is a general consolidation of the Acts respecting the Northern Railway, and the 28th section of that statute expressly declares that this section of the Consolidated Railway Act of 1868 shall apply to the Northern Railway. The same clause states that

"The 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, and 14th sections are 'the Railway Act, 1868' except the 12th and 19th sub-sections of the said 7th section, and also sub-section 4 and 12 of said section 14, shall be incorporated herewith and shall apply to the Company ....."

Here we have the charter of the Company expressly declaring that these sections shall apply to their Railway. Now, it is contended, I understand, by those gentlemen who are anxious that this unusual clause should be inserted in this Bill, that that section of the Act of 1875 does not apply at the present time, owing to some mistake made in the drafting of the Act of 1879. I shall read the second sub-section of the Act of 1879.

HON. SIR ALEX. CAMPBELL—That is the General Act?

HON. MR. POWER—Yes, the Consolidated Railway Act. The title of this is "An Act to amend and consolidate the Railway Act 1868, and the Acts amending it." It is evidently intended to include all that is in that Act. The second subsection of the second section is as follows:

"Such sections shall also apply to every railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada, and shall, so far as they are applicable to the undertaking, and unless they are expressly varied or excepted by the Special Act, be incorporated with the Special Act, form part thereof, and be construed therewith as forming one Act."

Now I understand that it is contended that this will only apply to railways constructed after the passing of this Act, but it does not strike me that it is necessarily the construction at all. It says that the sections shall apply to every railway constructed or to be constructed, and it shows that the first "constructed" refers to the past; and "to be constructed," to the future. This road, I presume, has been constructed under such authority—I suppose when you say the Parliament of Canada that will probably include the old Parliament of the Province of Canada, but perhaps it does not. Well, at any rate, I am not saying whether this applies or not, but it is said that owing to the wording of this sub-section, this Act does not apply. Now I wish to read to the House the concluding portion of the last paragraph in the Consolidated Railway Act 1879, which is as follows:

"And anything heretofore done in pursuance or contravention of any provision in any of the said repealed Acts, which is repeated without material alteration in this Act, may be alleged or referred to as having been done in pursuance or in contravention of the repealed act in which such provision was made, or of this Act; and every such provision shall be construed as having, had the same effect and from the same time as under such repealed Act; and any reference in any former Act or document to any such repealed Act, or to any provision in any of the said repealed Acts, shall hereafter be construed as a reference to this Act or to the corresponding provision in this Act."

Now hon. gentlemen might view the matter in this way, that under the wording of the Act of 1879 it is doubtful whether the provisions of that Act apply to this Northern Railway, as it was clearly intended they should. Their own Act of 1875 made certain sections of the Act of 1868

apply, and the intention of Parliament clearly was that those sections should continue to apply. I am not going to trouble the House with the section defining the way in which the general Act provides that railway companies shall take land—I can only say that the general Act provides for guarding the rights of private individuals in a way that this Bill does not provide at all.

HON. SIR ALEX. CAMPBELL.—Does the consolidated clause leave it to the directors?

HON. MR. POWER.—Yes, to the directors altogether.

HON. SIR ALEX. CAMPBELL.—In the clause of the Consolidated Railway Act?

HON. MR. POWER.—I refer the hon. gentleman to the 7th section.

HON. SIR ALEX. CAMPBELL.—What is the language about expropriated land?

HON. MR. SCOTT.—There is another clause about gravel pits, too.

HON. MR. POWER.—There is an alteration also as to the land that shall be taken without the consent of the owner.

HON. MR SCOTT.—It does not refer.

HON. MR. POWER.—I beg the honorable gentleman's pardon, it does refer. The wording of this section does refer. The hon. gentleman was not always so strong an advocate of the rights of the Northern Railway. The wording of the 5th section is broad enough to include land taken for any purpose whatever for the railway, and we are to suppose that the directors of railway companies as a rule avail themselves of their rights to the fullest extent. My contention is that the Consolidated Railway Act which the present Government passed, was intended to apply to this road as well as to other roads, and should apply, and that this road should not be made an exception to the general Act.

HON. SIR ALEX. CAMPBELL—Is not the provision in the Private Bill substantially the same as that in the Consolidated Railway Act.

HON. MR. POWER—No, not substantially the same.

HON. SIR ALEX. CAMPBELL—What is the difference?

HON. MR. POWER—There is this difference, that under the Consolidated Railway Act, if a company wish to take land from a private individual which he is unwilling to sell—his garden or some other land he valued—he has a right to appeal to a court as to whether it is necessary for the railway or not; but under this Bill a private owner has no such right, and the very moment the directors say that they think the land is desirable, they are not obliged to say that it is necessary, they have the power to expropriate it; I think that is a very objectionable state of things. Now the 6th section of this Bill says:—

> "For the purposes of the next preceding section the Company shall have and may exercise all the rights, privileges and powers given them with respect to their main line of railway by the several Acts relating to the Company, and all the provisions of the said Acts relating to the expropriation, acquiring and taking of lands shall apply thereto."

Now it is just possible that it might be contended that that would make the Act of 1868 apply as to the mode in which they were to get land. I think the better way in the interest of the company and the public, is to strike out the 5th and 6th sections, and simply to re-enact as to the Act of 1879 the provisions contained in section 28 of the Consolidated Act of 1868.

HON. MR. ALLAN—I think I can show to the satisfaction of the House—for I have taken some trouble to look through the several Acts, and I have the memoranda before me—that my hon. friend's contention with regard to the general Acts applicable to the Northern Railway is not quite borne out by the facts of the case. But I hardly think it is worth while to go through the history of all the Acts, or even to go back to the Act of 1868, the general provisions of which most certainly do not apply to this railway. In regard to the Consolidated Railway Act of

1879, it is perfectly clear that that does not give the company the powers for which they ask in this clause, to which the hon gentleman objects. Clause 2 of this Act of 1879 enacts as follows:—

"Part 1, of the Act 1879 shall apply to the Intercolonial Railway, and also to every railway constructed, or to be constructed under the authority of an Act passed by the Parliament of Canada."

That part, one, includes this very clause in relation to gravel pits, and land taken for the purpose of procuring ballast, to which the hon. gentleman has referred, and which is sought to be covered by the clause inserted in the present Bill. But, unfortunately, this part one does not apply to the Northern Railway of Canada not being a railway constructed under the authority of the Parliament of Canada. My hon. friend says that it is doubtful as to whether that expression "any Act passed by the Parliament of Canada" would not cover the case of the Northern Railway, but it is quite clear that where the expression is used there it is intended to apply only to Acts passed by the Dominion of Canada.

HON. SIR ALEX. CAMPBELL—Is it not part two, that does not apply to the Northern Railway?

HON. MR. ALLAN—No, part one; some of the provisions of part two are applicable, and clause 29 of part two expressly says that that and the five following clauses shall be applicable to all railways, expressly mentioning those authorized by the late Province of Canada as distinct from those authorized by the Parliament of Canada. Now if it was necessary to put in that exception, I think it would show quite clearly that in this first clause where it speaks of railways constructed or to be constructed under authority of any Act passed by the Parliament of Canada, it refers only to the Parliament of the Dominion. As regards the hon. gentleman's objections that the clause in the present Bill gives such wide power to the directors of the Company, it merely gives the power, if they think that a certain lot of land suitable for ballast is necessary for the purposes of the railway they may take it. But in doing so they are subject to the very provisions which Parliament in its wisdom thought fit to pass in regard to the method of expropriating those lands. It is not giving them a new power. So that they are obliged to exercise this power that they ask for in this clause 5 under restrictions which have already been imposed in their previous Acts. Not only that, but I think in every respect it is far preferable that such a clause should be inserted in this Act in this way rather than have to refer on every occasion to the Consolidated Railway Act. I think it is a much less objectionable mode of legislating, because one knows exactly what the powers of the company are under their own Act.

HON. MR. POWER—Before the hon. gentleman sits down, perhaps he would explain to the House this point: The Act of 1875, which consolidated the Acts relating to the Northern Railway—he has not dealt with it at all. By the 28th section of that Act, it is provided that a number of the sections of the Consolidated Railway Act of 1868, including, amongst others, the section which referred to taking or expropriating land for all purposes for the railway, should apply to the Northern Railway. The hon. gentleman has not disposed of that point.

HON. MR. ALLAN—If the hon. gentleman can show me that any of these clauses refer to the expropriation of land for gravel or ballast pits, I shall be convinced.

HON. MR. POWER—This does not refer to ballast pits.

HON. MR. ALLAN—It most certainly does, and the power, which it seeks to take, would be given by sub-sections 38 to 40 of clause 9 of the Consolidated Railway Act of 1879; if only that part of the Act applied to the Northern Railway at all, which it does not.

HON. SIR ALEX. CAMPBELL.—It seems to me that the hon. gentleman from York, is wrong in this: He thinks the earlier part of the Act does not apply to the Northern Railway. I think it is the other way, that the earlier part, up to section 34, applies to all railways. It is the subsequent part after section 34, that does not apply generally, but only to new railways. The circumstances are quite

within my recollection. When the Consolidated Railway Act was originally passed there were certain railways in existence—the Grand Trunk, the Great Western and the Northern—and it was thought unfair to apply the general rules to those three railways which were then in existence under private charters. Therefore, the original Railway Act was made to apply only to railways which should be constructed for the future. The clauses which were in the earlier part of the Act alone apply generally; the others apply to all railways except those which I have mentioned. That has been the state of things all along, and I do not understand why it is thought that if this provision contained in section 5 of the Bill now under consideration, is to be found in any section of the Consolidated Railway Act, between section 1 and section 34, the Northern Railway have it already. I do not know whether it is the case or not. Perhaps my hon. friend from York will tell me in what section of the Consolidated Railway Act this particular provision for taking the land is to be found.

HON. MR. POWER—It is not to be found anywhere.

HON. MR. SCOTT—The gravel pit clause is found on page 56. You will find it under clause 5.

HON. MR. POWER—I would call the attention of the Hon. Minister of Justice to the fact that section 5 is not limited to gravel pits. It extends to land that they desired for any purpose.

HON. SIR ALEX. CAMPBELL—Then that clause to which the hon. gentleman from Ottawa refers is found in the earlier part of the Acts, before section 34; therefore, it is in force with reference to the Northern Railway.

HON. MR. ALLAN—Does my hon. friend mean to say that any part of the first part of the Act of 1879 in which those sub-sections are found applies to the Northern Railway?

HON SIR ALEX. CAMPBELL—Yes.

HON. MR. ALLAN—Does my hon. friend mean to say then that the Northern Railway was a railway constructed under authority of an Act of the Parliament of Canada?

HON. SIR ALEX CAMPBELL—No.

HON. MR. ALLAN—Very well, part one of the Act of 1879 is expressly limited to railways constructed under the authority of an Act of the Parliament of Canada.

HON. SIR ALEX. CAMPBELL—I do not think that distinction is understood.

HON. MR. ALLAN—These are the words:—"Every railway constructed, or to be constructed under authority of any Act passed by the Parliament of Canada." Now, what I contend is, that as the Northern Railway which was built, or at all events obtained its charter in 1849, was not constructed under authority of the Parliament of Canada, and therefore that part of the Act does not apply to it.

HON. MR. POWER—If the hon. Minister of Justice will look at the private Act of the Northern Railway, section 28, he will find that that section expressly makes the sections of the general Act of 1868, which apply to the taking of land for railway purposes, apply to that Company. Now, I think that I have perhaps given sufficient reason why the third reading of this Bill might stand over until Monday, so that the Minister of Justice, and the hon. gentleman from York, might have an opportunity to look into the matter and see if the proper thing to do is not to substitute the provisions of the Consolidated Railway Act and make them apply here.

HON. SIR ALEX. CAMPBELL—The hon gentleman from York thinks it turns on the question "passed by the Parliament," but I do not think there is anything very serious in clause six. It is not, as I just supposed, an expropriating clause. As I understand it, it just gives power to the company to purchase, take and hold; it does not allow them to take any land from a man without making a bargain with him. If it was an expropriating clause the land would be taken against the will of the owner. The company may purchase, take and hold at convenient places along their line, &c., but that does

not mean that they are to take it in any extraordinary or unusual way.

HON. MR. ALLAN—Not only that, but hon. gentlemen will see that it is made subject to previous legislation as already indicated, under which the land is to be taken, so that whatever land they take under the present Act must be obtained under the conditions and provisions of their own Acts of incorporation.

HON. SIR ALEX. CAMPBELL—I find that I was wrong in my recollection of part one applying to Railways that were previously constructed. A memorandum has just been handed to me, which shows that it was part two of the general Railway Act that was applicable to all Railways, and not part one.

HON. MR. ALLAN.—Part two applies to the Intercolonial and all railways constructed by, or being the property of the Government of Canada in or since 1868, and to all railways which have been since the said year, or which may hereafter be constructed under authority of any special Act passed by the Parliament of Canada.

HON. MR. POWER.—I think that is a matter of more consequence, perhaps, than appears at first sight. My contention is, that under the wording of that section there is nothing to prevent them from taking any land that the directors think desirable; not land which is necessary for the purposes of the road, but any land which the directors think desirable. Now I think that that is a highly objectionable power to give. The hon. gentleman from York says, that that is controlled by the next section. I do not think it is.

HON. MR. ALLAN.—Yes.

HON. MR. POWER.—If the hon. gentleman will show me how it is, I shall be happy to concur with him; but this 6th section lays down the procedure. The 5th section gives the directors the power to take any land they consider advisable, and the 6th section tells them how to take it. They might under this Act undertake to expropriate lands in the city of Toronto. The hon. gentleman smiles, but we know that there has been a great deal of serious difficulty in connection with the terminus of this very road in Toronto, and I think it would be a great deal better, as it is not an easy matter for the Minister of Justice to investigate the law here on the spur of the moment, to let the third reading stand until Monday. If the law is, as the hon. gentleman from York and hon. gentleman from Ottawa say it is, why should the company have any objection to a clause which would simply say that the provisions of the General Railway Act should apply to this company? If their contention is correct, that would just carry out their view, but I think it is rather a suspicious circumstance that they should seek for these powers in this exceptional way.

HON. MR. ALLAN—I maintained in the Committee, and I maintain still, that it is the better way of putting it, where a railway has a special act of its own, instead of having to refer again to certain sections of some other Act. But the hon. gentleman from Halifax seems to think that the Northern Railway, under the powers given by this clause, will be improperly expropriating large tracts of land in the neighborhood of their railway, and he mentioned the City of Toronto particularly. To expropriate land in Toronto is rather an expensive amusement to begin with, and so far as their taking land anywhere is concerned, no railway company would be imprudent enough, to take more land than is necessary for their purpose, for immediately that land is subject to all their bonds and securities; they cannot part with it, and no railway company in the world would burden themselves with useless or unnecessary land. For the life of me I cannot see what danger we incur by giving them the power sought for under this clause, because, I contend, they cannot abuse that power. If there really was any possible danger I am sure I would be the last to object to the proposal of the hon. gentleman from Halifax.

HON. MR. SCOTT.—I was on the committee when this Bill was under discussion, and I was governed in the general support of the Bill, particularly in this clause of it, by two reasons: first—that I saw no objections to the clause itself, and I think that would be the proper view for the House to take, to say whether the clause itself is objectionable or not. If the House thinks that

the company are given powers in excess of what ought to be given them, it would be proper to have those powers reduced or thrown out altogether. In my judgment, however, the power is not one that ought to be withheld from any railway. The power can only be exercised under the general Railway Act, and the company can only expropriate land in the ordinary way. They cannot hold land for any other but railway purposes; it would be illegal to do so, and they can only acquire land in the usual way that lands for railways are acquired.

HON. MR. POWER.—The 6th section says expressly that it shall not be so.

HON. MR. SCOTT—It is the very reverse. The hon. gentleman must know that there is only one way in which the Railway Company can take property, that is, by tendering what they consider to be its value. If the party declines to take that amount, then it goes to arbitration, and if the arbitrators cannot agree on an umpire a third party is named by the Minister of Railways. In the Province of Ontario the system is very well understood, and I have yet to know of the first case that has ever occurred where the Railway Company has got the advantage of those individuals. I have had a pretty large experience in such expropriations myself, and I know that Railway Companies have invariably paid from three to five prices for the land. Then again I was governed in my opinion by the fact that the clause was a necessary one from the privileges it gives. I consider that the privileges are not undue or extraordinary. Then the gentleman who appeared before the committee on behalf of the company has had very many years experience as solicitor for the Great Western Railway, a railway that is circumstanced in respect to the general railway acts of 1868 and 1879 similarly to the Northern Railway. That gentleman stated positively that the Act of 1879 did not apply, even that particular portion which gives expropriation powers to railways. He mentioned a case in point where either the Great Western or the Northern was defeated because it relied upon either the Act of 1868 or that of 1879. That was quite sufficient for my purpose. I knew him to be an authority on such matters, and I knew he was right in his contention, particularly as the case had been disposed of by the court. As to whether the words "Parliament of Canada" includes the old Parliament of Canada or not, I do not think it a matter we need discuss. The old Parliament of Canada is spoken of as the Legislative Council and Legislative Assembly of Canada. If the hon. gentleman looks at the Acts of the old Province of Canada he will see that is the case.

HON. MR. POWER—I say that the Act of 1879 made those sections apply.

HON. MR. SCOTT—The question is, is there any objection to the clause? If there is no objection to the clause, I see no special reason why we should look into the question of whether they are governed by the General Railway Act—more particularly as the manager for the company, who has been solicitor for the Great Western Railway for fifteen years, said positively before the committee that the General Railway Act did not apply, and therefore they were obliged to introduce a special clause in this Bill.

HON. MR. POWER—If the Company want powers under the General Railway Act they should say so, and not seek for special legislation.

HON. SIR. ALEX. CAMPBELL—The hon. gentleman is not perhaps aware of this, that had the Company applied to have one or two clauses of the Consolidated Railway Act apply to their railway, it was suggested that probably the Government would have objected. The Government have objected in the past that unless a railway is willing to accept the whole of the clauses of the Consolidated Railway Act, they should not get any.

HON. MR. POWER—Will the hon. gentleman look at the Act which I handed to him, and which makes those sections applicable.

HON. SIR ALEX. CAMPBELL—If you have those powers already, why do you want them now?

HON. MR. POWER—The contention of the hon. gentleman from York is that

through some error in drawing the Act of 1879—

Hon. Mr. ALLAN—I did not say that—

Hon. Mr. POWER—Or that owing to the manner in which the Act of 1879 was drawn, it was not made to apply to this company in the same way as the Act of 1868.

Hon. Sir ALEX. CAMPBELL—The Act of 1868 was repealed and can no longer apply.

Hon. Mr. POWER.—Then make the Act of 1879, which takes the place of the Act of 1868, apply.

Hon. Sir ALEX. CAMPBELL.—I think this is a better way of doing it.

Hon. Mr. POWER.—If the Government had taken such pains to provide in the Consolidated Railway Act, as to the manner in which those expropriations were to be made, and the manner in which private rights were to be guarded when dealing with such corporations, why not bring this company under the provisions of the same Act?

Hon. Sir ALEX. CAMPBELL—Besides those powers there are a great many other powers and advantages given under the Consolidated Railway Act, and responsibilities imposed, and therefore it is more prudent and more convenient to give to a company, not incorporated under the general Act, the powers they want in a special bill, rather than allow them to extract at their pleasure certain clauses of the Consolidated Railway Act, which may be a benefit to them, without submitting themselves to other clauses which are not advantageous to them, but are an advantage to the general public.

The motion was agreed to, and the Bill was read the third time and passed.

THE SENATE DEBATES.

SECOND REPORT OF THE COMMITTEE ADOPTED.

The Order of the day being read for consideration of the second report of the Committee on reporting the debates of the Senate,

Hon. Mr. MACFARLANE said that this report was simply a renewal of the recommendation made by the committee last year respecting the preparation of the index for the debates of the Senate. In the contract with the Messrs Holland the agreement was that they should prepare the ordinary index, but last session the Senate had accepted a proposal from Mr. Colin Campbell to prepare an elaborate index, such as had been adopted for the House of Commons debates. The Messrs Holland had agreed to a reduction in the amount of their contract, which would leave the sum of $160 to be provided by the Senate for the improved index.

Hon. Mr. KAULBACH did not see why the reporters themselves should not prepare this index without the necessity of the Senate employing outside assistance.

Hon. Sir ALEX. CAMPBELL understood that the reporters were obliged under their contract to prepare the index.

Hon. Mr. MACFARLANE said that their contract did not require them to prepare such an index as the Committee had recommended.

Hon. Sir ALEX. CAMPBELL said if the contract with the reporters required them to furnish an index it should be a good index.

Hon. Mr. MACFARLANE said that the agreement of the contractors was to furnish an index such as they formerly had, but not such an elaborate affair as the index compiled for last session's debates, which required a great deal of care and labor to prepare.

Hon. Sir ALEX. CAMPBELL wished to know what the additional cost would be.

Hon. Mr. MACFARLANE said the additional cost would be $160.

Hon. Sir ALEX. CAMPBELL—Is the hon. gentleman sure that the contract

says the reporters are to furnish a proper index, or to furnish an index such as we had before.

HON. MR. MACFARLANE said that the contract was to furnish such an index as we had before—that was their tender.

HON. MR. SCOTT said that this index was something more than an ordinary index, and more than the reporters could be called upon to furnish under the contract. As the reporters were saved a certain portion of their work by this arrangement they had agreed to a reduction in the amount of their contract.

HON. MR. MACFARLANE said that the index of the Commons debates had been prepared by Mr. Campbell; it was an elaborate affair, and had cost a large sum of money. It was a very perfect index and this one would be prepared in the same manner.

The motion was agreed to and the report was adopted.

BILL INTRODUCED.

Bill (K), "An Act respecting booms and other works constructed in navigable waters under authority of Provincial Acts."—(Sir Alex. Campbell.)

The Senate adjourned at 5 p.m.

THE SENATE.

Ottawa, Monday, March 19, 1883.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CENTRAL BANK OF CANADA BILL.

THIRD READING.

HON. MR. ALLAN from the committee on Banking and Commerce, reported Bill (16), "An Act to incorporate the Central Bank of Canada," without amendment.

HON. MR. SIMPSON moved the third reading.

The motion was agreed to, and the Bill was read the third time and passed.

BILL INTRODUCED.

Bill ( ), "An Act to amend the Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations." (Sir Alex. Campbell.)

THE EASTER ADJOURNMENT.

MOTION.

HON. SIR ALEX. CAMPBELL moved that when the Senate adjourns on Wednesday next, it do stand adjourned until Tuesday, the 3rd April. He said that although the adjournment might seem long, he did not think it would interfere with the public business. Some adjournment was necessary, and it seemed proper that the Government should take the responsibility of asking for it.

HON. MR. POWER suggested that the adjournment should be to Wednesday the 4th of April, as it would enable members from the Maritime Provinces to remain at home until Monday, the 2nd of April.

HON. MR. HAYTHORNE called the attention of the House to the fact that there was a committee in session involving the attendance of witnesses and the employment of counsel, and he wished to ascertain whether that committee would be able to sit during the adjournment, and also whether the leader of the House had satisfied himself that no inconvenience could arise if it should be necessary for that committee to refer to the House during the recess.

HON. MR. KAULBACH said the adjournment was unusually long, but his principal objection to it was removed by the fact that the Government assumed the responsibility of asking for it, and were ready to assure the House that the public business would not suffer by the vacation. He wished, however, to record his objection, and hoped if the motion was to be carried it would be on a division.

HON. MR. MILLER, in reply to the question raised by the hon. member from Prince Edward Island (Mr. Haythorne), said that a committee of the Senate could sit during an adjournment, though a committee of the other House could not. He cited the following from May, page 410 :—

"A Select Committee of the House of Lords may sit notwithstanding any adjournment of the House without special leave."

He did not suppose there would be any difficulty on the ground of interfering with the business of that committee. With regard to the amendment proposed by the hon. member from Halifax (Mr. Power) it could not be put without the unanimous consent of the House. It would be quite in order to move for a shorter adjournment than that of which notice had been given, but not to extend the time longer. There was no notice of adjournment until Wednesday, the 4th of April. He thought an adjournment for a fortnight was too long. On the other hand, he was glad to see that the Government had on this occasion taken the responsibility of moving for the adjournment. He thought the Government were taking a serious responsibility in asking for such a long adjournment at this period of the session.

HON. MR. PLUMB said the Easter holidays came at an unprecedently early part of the Session this year, and consequently there had not been much business yet before the Senate. That might account for the length of the adjournment this year.

HON. MR. POWER was disposed to think that the opinion expressed by the hon. member for Richmond with reference to the power of a Committee of the Senate was not well founded. The Senate possessed not the same powers as the House of Lords, but the same powers as the Imperial House of Commons, and he did not know that a Committee of the House of Commons could sit during such adjournment. He was surprised that the hon. member from Richmond objected to the proposition to adjourn until Wednesday the 4th of April instead of the 3rd. He had made the suggestion feeling sure that he had only to mention it to have it adopted at once.

HON. MR. MILLER said that under rule 142 of the Senate it was clear that in all unprovided cases the rules of the House of Lords should be followed by the Senate. It was simply a matter of procedure and not a matter involving the powers or privileges of the House.

HON. SIR ALEX. CAMPBELL said his desire was to meet the wishes and convenience of the House. As far as he knew, this adjournment would not delay the public business. If he thought it would he would not be proposing or advocating it. There had been some delay, which the Government regretted, in the progress of the public business. The estimates were not yet submitted, and when brought down they would occupy the attention of the House of Commons for some time. He thought, therefore, that there would be ample opportunity to consider the business which was to come before the Senate, after the adjournment. With regard to the Divorce Committee, the hon. member from Richmond was quite right ; they could sit during the adjournment of the House. Of course they might be put to inconvenience if they should have occasion to refer to the House. Undoubtedly there was that possibility, but he thought it unlikely that such an occasion would arise, and that was the only point on which there was any possibility of inconvenience arising. With regard to the power of a committee of the Senate, it was a mere question of practice whether committees should sit during the adjournment of the House. That it was so was proved by the fact that committees of the House of Commons could sit while the House was adjourned, only, they must have obtained the consent of the House. The practice of the House of Lords had been that the Committees sat without leave. He hoped there would be no question of order raised concerning the suggestion to adjourn to the fourth of April.

HON. MR. WARK thought the Parliament need not have been called together before Easter, and hoped the Government would so manage the public business in future as not to summon Parliament to meet until they were prepared to submit their measures.

The motion was amended in accordance with the suggestion to adjourn until

Wednesday the 4th of April, and agreed to as amended.

MONEY POST OFFICE ORDER SYSTEM.

INQUIRY.

HON. MR. BOURINOT inquired:

"Has the Government succeeded in making satisfactory arrangements with France and Germany for the establishment of the Money Post Office Order System as it exists with the United States?"

He said that during the last session, in reply to a question put by himself, the leader of the Government had informed the House that an officer had been sent to inquire what arrangements could be made to introduce this system in the Dominion, and he wished to know what progress had been made.

HON SIR ALEX. CAMPBELL.—In reply to my hon. friend's question I beg to say that the Government has not succeeded so far in making the arrangement of which he speaks, but correspondence has gone on since the return of the official referred to with a view to introducing the system, which correspondence is still going on.

PROCEDURE IN DIVORCE CASES.

MOTION.

HON. SIR ALEX. CAMPBELL moved

"That the 73rd Rule of this House be amended by striking out the word oath, in the fourth line thereof, and substituting the word declaration, under the Act passed in the thirty-seventh year of Her Majesty's Reign, intituled: An Act for the suppression of Voluntary and Extra Judicial Oaths."

He said: the change of which I have given notice refers to a rule of the House in connection with notices of intention to apply for Divorce Bills. Attention has been drawn by the hon. member from Richmond, to a difficulty which arose in the proof offered to establish the service of the petition in the case of the Nicholson Divorce Bill now before the Senate, and the strong ground taken by my hon. friend led me to believe that it was necessary or desirable to alter the rule so as to enable affidavits establishing the service of such notices to be made before persons authorized to take them. In looking into the Statutes I found that in 1875, Mr. Blake had introduced an Act for the suppression of voluntary and extra judicial oaths, and to substitute for them the right to make a solemn declaration under the legal penalties of perjury, and I thought if I altered our rule so as to require a declaration, we would put parties coming before the Senate in a position to establish the service of a notice upon the respondent and to adduce evidence by declaration under oath which would be satisfactory, or might be pronounced satisfactory to the Senate without making it incumbent upon them to call the witness who served the notice to the bar of the House. Under the rule, as I hope it will be amended in pursuance of this notice, a declaration such as was made substantially by the witness here might be made, and by conforming with the terms of this Act, if it turned out to be false, that person might be indicted and punished for perjury. I think that is an improvement, and one which may be very useful and will, at all events, tend to the convenience of those who have to resort to those proceedings, and diminish the expense to which they would necessarily be put in coming here.

HON. MR. KAULBACH.—It is a question in my mind whether the substitution of one word for the other would be sufficient to enable a person to make the declaration anywhere but at the Bar of the Senate.

The motion was agreed to.

CONDITION OF THE PUBLIC BUSINESS.

INQUIRY.

HON. MR. POWER rose to "call attention to the condition of the public business of the session, and ask the Government when they propose to introduce the various measures mentioned in His Excellency's speech at the opening of the session?"

He said:—It is hardly necessary for me to call attention to the condition of the public business: in fact every hon. member must realize for himself that the public business of this session is not in a satisfactory condition. The attention of

the House has already been called to the matter by the hon. members from Richmond and York, N. B. I have not much that is new to say on the subject, but I wish to amplify what has been said by those hon. gentlemen. The duty, I think, which the Government owe to Parliament is, when they summon the members of both houses to meet here, to have the measures promised in the speech from the throne ready for their consideration. That it should be otherwise is, I think, highly improper. The members of the Government are paid very handsome salaries; they are allowed a large staff of assistants in the different departments of the Government, and it seems to me that there is no excuse whatever for the Ministry not having measures ready to submit when Parliament meets. If there was a fixed time for the opening of the session it would be a different matter; but the date of summoning Parliament is altogether in the discretion of the Government, and I think that the Government are acting very improperly to call the two Houses together before they have their measures ready. The expense of an average session of Parliament amounts to something like four hundred thousand dollars, while the expenses of the Civil Government are very much larger; and to a certain extent this expenditure is made useless by the line adopted by the Goverment. Now what are the facts as to the present session? Parliament has been sitting for six weeks. Day after day his honor the Speaker has marched into the Chamber in his official robes, preceded by the mace, the black rod and the Sergeant-at-Arms, and we have as a rule sat for ten or fifteen minutes beyond the time allowed for prayer, and then the mace, the black rod, the Speaker, and the members have all gone out again. The fact is, it is reducing legislation—in my humble opinion, reducing the work of this House at any rate—almost to a farce.

AN HON. MEMBER—Do away with them!

HON. MR. POWER—If any honourable member will move in that direction I shall have no serious objection; but while the two Houses of Parliament are kept alive, the Government who have charge of the public business should see that Parliament has enough to do. So far, during the present Session, almost no Government business has come before the House. There have been one or two small Bills—one about superannuation, which made no change in the law—simply a consolidation of some trifling enactments—and there was an amendment of the Civil Service Act of a similar character; and that is all the Government business that has been brought before the Senate this Session. In the other House it has been substantially the same; one or two consolidation bills have been brought down, but not of an important character. The estimates have not been laid on the table of either Chamber yet. I think it is almost unprecedented that so long a time should elapse after the meeting of Parliament before the bringing down of the estimates. It is understood now that they will not be laid before Parliament until after the Easter holidays. There were some two or three rather important measures promised in the Speech from the Throne. His Excellency was made to tell us at the beginning of the Session, that the laws relating to the representation of the people in Parliament should be amended, and the electoral franchise of the several Provinces should be assimilated. Any hon. gentleman listening to that declaration of His Excellency would imagine that the Government who had it under their consideration for several months would be prepared with a measure when Parliament met. No such measure has made its appearance yet. The same with the license measure, referred to in the Speech from the Throne. This matter had clearly been under the consideration of the Government since before the time of the elections in June last; because, in the beginning of that month the Right hon. gentleman, the Premier, spoke of his intention of altering the law relating to licenses at the next Session of Parliament, and intimated at that early day, before the decision in this case of Russell *vs.* the Queen, the direction which the legislation would take. The Government have practically taken no steps in that direction yet. It is true that the matter has been referred to a committee of the other House, but no decisive step has been taken by the Government yet; and no measure on the subject will be submitted at any early day to either branch of Parliament. It being

quite clear that the business of Parliament is very far behind what it ought to be, it is, I suppose, natural to inquire why it is that the business is in that condition. One reason is, that members of the Government and a good many members of Parliament have devoted a good deal of time which was supposed to be given to the public business of Canada, to the local affairs of the Province of Ontario. I think it is hardly denied that during the first three weeks of the Session, certain members of the Government in the other House were much occupied with the elections taking place in Ontario. Since that matter has been disposed of for the time being, members of the Government of the Province of Quebec have been here, and I presume that consultations with those gentlemen have taken up a considerable portion of the time of the Government. It is also known that some members of the Government of Prince Edward Island have been here. I have no doubt that consultations with those gentlemen, which I am happy to say have resulted satisfactorily to the members from Prince Edward Island, took a good deal of the time of the Government. I am not finding fault with them: I am simply pointing out why it is that those delays have taken place. I can understand, too —and I suppose the gentlemen from New Brunswick will concur with me there— why there has been a little more delay with the budget speech and estimates than usual this year. There has been a change of Government in the Province of New Brunswick, which was preceded by a somewhat prolonged ministerial crisis. I can understand that the Finance Minister may have been obliged to devote a good deal of his time to the affairs of his own Province, and consequently that he could not give his undivided attention to the duties of his office. The fact is, at any rate, that whilst those other things have been attended to, the business for which we have been called here has been neglected, and 190 Members of the House of Commons and 76 Members of this House have been summoned from their homes and business, and kept here six weeks, and so far with practically nothing to do. We come here for the purpose of considering the measures submitted by the Government. That is our principal business here; and now, this being the case, the Government come down and propose to adjourn for a fortnight, indicating quite clearly that they do not expect that there will be any great progress made with the public business in the near future. The probability is that after the recess is over the important business of the session, the measures referred to in the Governor-General's speech. will be pushed through the House of Commons with as much speed as possible, and that they will come up to this House, possibly, within three or four days of the time fixed for the prorogation, and then those measures—of almost vital importance— will be forced through this Chamber, and members of this House will not have the opportunity that they should have to give them fair consideration. This has been the case in former sessions, to a greater or less extent, and last session and the session before, very strong declarations were made by gentlemen on both sides of the House that if this state of things were to exist in future sessions they would insist on discussing those measures, and not allow Parliament to be prorogued at the time fixed by the Government. It remains to be seen whether that is likely to be the course adopted by the House. I think there is no doubt whatever that this delay, and this rush at the close, will be the case this session to a greater extent than during any previous session. As the hon. member from Richmond and other members of this House have said on former occasions, the Government in bringing those measures in at the close of the session in this House, when there is no time to discuss them, show, as far as the Government very well can do, their contempt and want of respect for the Senate. I hope that I may be mistaken in the view which I have taken of the long adjournment, and that the reason why the Minister of Justice has asked for it is, that he may have all the Government business ready to lay before us when we re-assemble, so that we may have ample time to consider and discuss the Government measures before the prorogation. I shall now conclude with the question of which I have given notice.

HON. MR. KAULBACH—I think if any want of respect is shown to the Senate it is by my hon. friend himself. I think he has belittled, to some extent, the work

done during the session, when he states that we have not been sitting here longer each day than a few minutes. Nearly all the afternoons have been occupied in considering the measures brought before us. The hon. gentleman talks of the length of the Easter adjournment. It has been made a day longer at his own instance. I do not think it can be said there was more work done in the first Session of any Parliament, within the same time, than has been done this present Session. I do not know that any measures which have been foreshadowed in the speech from the Throne have not been brought down, except the one relating to the license question. That I believe has not been proposed, but it may be this delay has been really in the public interest. I do not think the Government have any desire to delay public measures, it is not their policy to do so. The other branch of Parliament is occupied day after day in committees doing the practical work of the Session. It is not in the House, but in committees, that the largest amount of work is done, as every member knows from his own observation. It may be convenient to delay the introduction of bills when the Government is forced to make the mortifying admission, as the late Government had to do, as regards its financial, fiscal, and railway policy, that it had to withhold its measures to avoid criticism. I do not, however, know that any Government measures which are in the interest of the public are kept back by desire of the Government to avoid anything of that kind. The country is prosperous, and there seems to be no necessity for any change in the public interests, or any new legislation at present. Therefore I do not see that the criticism of my hon. friend was fair, or in the interest of this House, or justified by the business which has been before us. With regard to the budget speech having been delayed, there may be a variety of reasons which would account for that fact. The Minister of Finance may have good reason for this delay; there may be many things to consider, not only in relation to this country, but in regard to legislation in other countries which may to some extent affect the legislation here, and which the Government may be desirous of understanding before they introduce the budget. There has been a change in the fiscal policy of the United States, which it has no doubt been thought desirable should be well considered before the budget speech was delivered. Although I am desirous that the business of this House should progress as rapidly as possible, and that our sessions should be as short as possible, I cannot see that my hon. friend has made out a case, and I do not think he has fairly stated the amount of work we have done. Instead of sitting for a short time every day, as he has stated, we have generally been occupied for the greater part of the afternoon, discussing matters which come before us.

HON. SIR ALEX. CAMPBELL—I think that it is a great mistake if any members believe, or if the public believe, that the usefulness of a session is to be measured by the number of Bills that are passed. The time undoubtedly arrives in the history of a country when legislation is not continuously necessary. During the earlier years of the Confederation a great deal of legislation was necessary in the assimilation of the laws of the several Provinces, and in all the ways that would occur to hon. gentlemen for the purpose of founding and beginning a new nation; but as settlement goes on this legislation is not necessary. In the past I fancy we have legislated more, considering our population, than any other country, but I hope the time will come when we shall have but little legislation during a session. Hon. gentlemen may consider that there has been some little delay during the present session in the other branch of Parliament, but that such was attributable to the causes assigned by the hon. gentleman I deny. I particularly regret the reference which he has made to the head of the Finance Department. The Minister of Finance has not been absent from Ottawa for a single day during the session; he has been, to my knowledge, unusually pressed, receiving deputations in connection with the proposed changes in the tariff—who come here to remonstrate against them or to urge that they should be made. His time has been fully occupied, and I regret that the hon. gentlemen did not know it, for I am sure he would not willingly do him an injustice. That there has been any unwillingness on his part, or any delay in bringing forward the business in his charge,

I wish most strongly to disclaim. There are reasons which it is difficult to group together, why, occasionally, delays do take place. It is very difficult to get estimates ready, as the expressions and wishes of members and others interested in the localities are coming from day to day, and these have to be considered. The necessity for new works, or for the continuing of old works must be considered by the various heads of Departments, and then they are obliged to send in their estimates for such additional service as they may approve of. These estimates are then to be considered by the Government, item by item. Sometimes hours are occupied in the discussion of some particular item; so before a long tariff is got through with a great deal of time is, of necessity, occupied. It may be that the estimates have come before Parliament in previous sessions at an earlier time than now, but it is not correct to say that it is attributable either to want of attention on the part of the Minister of Finance, or to the absence of any member of the Government taking part in the elections in Ontario or elsewhere. They have all been here and all at their work. That gentlemen in the House of Commons were absent during the election in Ontario, does not rest with me to explain or make any remark upon. As to the measures which were promised in the Speech from the Throne, they are in a very fair position. The Franchise Bill has not yet been brought down, but that is the only exception. The hon. gentleman is mistaken in supposing that any measure was promised on the subject of licenses. The language is "your earnest consideration of this important subject is desired." It does not say that a measure will be brought down this Session, but in the very next item the language specifically promises a measure regulating factory labor.

HON. MR. POWER—That has not come down yet.

HON. SIR ALEX. CAMPBELL—I will answer that in a moment, I am now dealing with the license question. The hon. gentleman complained that no measure on that subject had been brought down, and I say no measure was promised, that the language of the Speech is carefully framed so that no measure might be promised, because it was thought that the best way to deal with the subject was that which is now being adopted in the other branch of the Legislature. We thought that was the way to secure the approbation and assent of the community at large—of the whole Dominion—to legislation which might be proposed hereafter. With reference to the next item—that of factory labor—the report of the gentleman who was sent to Massachusets to investigate the system pursued there and in some other States of the Union, was only received during the first days of the Session. It was only printed during the first week or ten days of the Session, and a Bill was drawn immediately afterwards, and is now about to be submitted. Then, the other measures are all, I think, either before this or the other House. Bills for the consolidation and amendment of the laws relating to Customs, the Militia Bill and a measure relating to the Public Lands are before the other House; while a Bill relating to the Civil Service has been already passed by this House. One of the Banking Bills has already passed both Houses, and another is now before the Commons. Now, these are all the measures that have been promised, and the House will see that with the exception of that one—a most important one, no doubt—all the legislation promised has made considerable progress. Therefore, I do not think that the Government is in any way to blame for the progress of public business. The hon. gentleman should, I think, consider that the Government is as anxious as he can be, or as anybody can be, to expedite public business; but he does not know the difficulties and delays which occur, and which cannot be avoided. Perhaps the estimates might have been advanced a little, but still I know that the most strenuous exertions have day after day been made for the purpose of expediting them, in order that they might be got before the House, and that they have not got on so rapidly as on previous occasions is a matter which I can hardly trace to any specific cause. So I do not think, notwithstanding the remarks of the hon. gentleman, that the progress of Government business has been greatly delayed, so far as bills are concerned; and I have explained about the estimates so far as explanation is possible. I can assure the House, as well as the hon. gentleman,

that it is the desire of the Government to get on as rapidly as possible with the work of the Session. Then, with regard to the time at the end of the Session for the consideration of important measures, the House has it in its power to take any time that it pleases. Sometimes, I know, it becomes very inconvenient to discuss important measures at the end of the Session, and there is a tendency to push them through rapidly; but so far as I know, that is not the tendency of this Government more than of any other, so I take no blame with reference to it. I know it is very difficult for this House to say they will prolong the Session, but they have the right to do so. In the meantime I undertake, so far as the Government is concerned, that the public business will be advanced as rapidly as possible.

HON. MR. ALEXANDER—I cannot refrain from observing that it is very natural for any member of this House to make the observations which have fallen from the hon. gentleman from Halifax. He has only stated the simple truth when he says that we have now been here five weeks; and what have we done? The Bills which have been submitted to us have been of a very trivial character—simply amendment acts which should not have been necessary if those measures, when they were brought in last session, had been framed with ordinary care. The hon. gentleman from Halifax is very anxious—as indeed we all are—that this House shall not sink in public estimation. I do not belong to the party of the hon. gentleman (Mr. Power); I do not belong to any party; I am conservative in principle, but no partizan, and I am bound to uphold the hon. gentleman in the position he has taken, because it is in the interest and for the honor of this House—it is to prevent the Senate sinking in public estimation. Because, it cannot go to the country that 76 gentlemen have been here for five weeks without doing anything. It is all very well for the leader of the House to say that we at times legislate too much, but, as the hon. gentleman from Halifax stated, it is the policy of the present Government—as it was of the last Government—to pursue a system which must destroy the confidence of the people in this Chamber, by not bringing important Bills for consideration in this House until within forty-eight hours of the end of the session, when many members have gone, and when those who are here are not inclined to enter into debate. We all desire to see the Senate stand well in public estimation, and we ought not to permit any Government to treat this House as it has been treated in the past.

HON. MR. BOTSFORD—The hon. gentleman from Halifax has touched upon the great difficulty with respect to the duties of legislation which the Senate has to perform. Really the great difficulty is that important measures are thrust upon us towards the last of the session, but the same state of affairs occurs in England. It has happened there, as here, that important measures have been introduced in the House of Commons and delayed there until the end of the session when the House of Lords had not a fair opportunity of discussing them as they would desire. But the hon. gentleman has not alluded to the course taken by the House of Commons, and also by the House of Lords in this connection. He has referred to the small amount of business which has been done in the first weeks of the session, but that has always been the case. Any hon. gentleman who has been in this Senate ever since it was created, knows that the business is light for the first three or four weeks of the session, and necessarily so. If you refer to the House of Lords you will find the same thing: for months the business before that House is of a very trifling and unimportant character. The House of Lords have complained, and they have formed committees in order to discuss this question, how to prevent important measures being delayed until the last days of the Session and then sent up when there was no time to arrive at any satisfactory conclusion in regard to them. That still goes on there, and to say that this Senate is not peforming its duty because for three or four weeks of the Session there is very little business done, is most unfair. It is in the very nature and constitution of the Senate and of the powers exercised by the House of Commons that such will be the case—that the important measures must necessarily originate in the House of Commons. Some of the measures of importance might be originated in the

Senate provided the head of the department concerned were in this body, but it is absurd to say that where there is an important measure to be introduced by the head of a department who sits in the House of Commons, that it shall be introduced here first. That is not the course of proceeding either here or in England, and that is why the greater number of important measures are introduced in the House of Commons. Therefore the hon. gentleman will see where the real difficulty lies, and if he can successfully grapple with the question of bringing important measures to this Chamber during the last days of the session, and shew any mode by which it can be avoided, the country, and I think the House, will thank him; but he has not dealt with that. Consequently I think that every hon. gentleman who is acquainted with the course of business in this House, must say that his observations amount to nothing, and that it is no discredit to the Senate that we have not sat longer each day than has been the case. I undertake to say that, comparing it with any other legislative body in the world, the Senate will be found to attend strictly to its business and to the exercise of the powers which it possesses, and that its work is done as creditably. I have heard gentlemen who have come from foreign countries state that they consider the manner in which questions are discussed in the Senate of Canada is a credit to the country—I have heard that repeated frequently. If any mode can be suggested to place important measures before this House at any earlier period than is now the case, it will be most desirable to adopt it, but I fail to see how that can be done under present circumstances. I take it for granted that the remarks made by the hon. gentleman (Mr. Power,) apply solely to the manner in which the Senate has performed its duties, because it would be highly unparliamentary for him to insinuate that the House of Commons has done nothing. All we can do is to take such a course as we were authorized to do with respect to our own affairs, and if any hon. gentleman sets himself up as a censor of the whole Senate as regards the mode in which they perform their duties, he cannot extend that censure to the House of Commons, and therefore his observations certainly can only apply to the course which this House has pursued. Now the hon. gentleman has gone out of his way to refer to New Brunswick, though I do not know why he should particularly speak of that province. I do not know that he has any special interest in it, and I think he has enough to do if he attends to the affairs of Nova Scotia, and calls the attention of the Senate to matters which affect that Province. The hon. gentleman has gone out of his way to make a most serious charge against one of the ablest ministers in the Government of Canada. He has said that the public business has been delayed, in consequence of the Minister of Finance having assisted in settling the difficulties which have arisen in New Brunswick. That, I think, is the purport of what he said. He referred to the Minister of Finance, and gave as a reason for the delay of public business here, that it was because that gentleman was dabbling in difficulties which had arisen in New Brunswick. Well, now, I disclaim that entirely. I happen to know, personally, from the very best authority, that Sir Leonard Tilley never interfered in the squabbles which took place in the local government of New Brunswick. Further, it is singular that he has friends on both sides—firm friends, who support him and who have supported him—on both sides of this squabble in the local government. I happen to know that there is no ground for the criticism of the hon. gentleman from Halifax in this particular, and I feel it my duty, as knowing all the circumstances, to speak thus strongly about the course which he has taken. I think I have said quite sufficient to shew that there is not so much blame to be attributed to the Government on account of the amount of business which has been done this Session up to the present time; it will always happen so, unless some entire change is made in our system of legislation.

Hon. Mr. ALMON—I do not often agree with the senior member for Halifax, but I must on this occasion. He has just made the proposition that the time of this House has been wasted in useless discussion, with no measures before us, and I think the hon. gentleman proves his own proposition. He brought forward an enquiry just now, and I think there has been

a good deal of talking and we have wasted the whole of this sitting, though we have only two days more before the recess, in discussing the hon. gentleman's enquiry. As *quasi* leader of the Opposition, he is no doubt entitled to a great deal of latitude, but he has wasted the whole of this afternoon, and so has proved his own proposition. I really must support the hon. gentleman, and I say a great deal of time has been wasted.

HON. MR. POWER—I hope the House will allow me just to say a few words.

HON. SIR ALEX. CAMPBELL—The hon. gentleman has no right to speak again.

HON. MR. ALMON—So far as I am concerned I would assist in allowing the hon. gentleman to prove his own proposition all the more strongly.

HON. MR. BOTSFORD—If the hon. gentleman has anything to explain he is in order; otherwise he is not.

HON. MR. POWER—I do wish to explain with reference to a remark which fell from the hon. gentleman (Mr, Botsford) who has just sat down. He said that I had charged the Minister of Finance —that I had stated positively the Minister of Finance was interested in the affairs of New Brunswick.

HON. MR. PLUMB—He did not use that language.

HON. MR. POWER—The hon. gentleman did not use the word "positively." Now, I have a right to speculate as to why the Minister of Finance did not have his Budget Speech ready, and as to why the estimates were delayed beyond the usual time. I suggested as a probability that he had been engaged in the local affairs of New Brunswick, as I knew that other ministers had been concerned in the local affairs of other provinces.

HON. MR. BOTSFORD—The hon. gentleman said he had been delaying the public business.

HON. MR. POWER.—I spoke of it as being a probable thing; I did not make any direct charge, and notwithstanding the manner in which the hon. gentleman (Mr. Botsford) has spoken, I am not aware that he is specially authorized to speak on behalf of the Minister of Finance; if he is, then of course I accept his statement.

HON. MR. BOTSFORD.—I happen to know all the circumstances.

HON. MR. POWER—The hon Minister of Justice then appears to have misapprehended the gist of my objection to the delay. I found no fault because there was not enough legislation, I am not an advocate of much legislation, and I certainly think that perhaps the less legislation we have—particularly under the present Government—the better.

INTERPRETATION ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of bill (H) "an Act to amend the Interpretation Act." He said:—This bill proposes to amend the Interpretation Act in several points in which experience has shewn it needs to be revised; I shall explain them more fully in committee. They are more or less important, and some of them might result in being very important. I beg to move that the bill be now read the second time.

The motion was agreed to, and the bill was read the second time.

The Senate adjourned at 4-45 p.m.

THE SENATE.

Ottawa, Tuesday, March 20, 1883.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill ( ) An Act for the protection of settlers on Dominion lands in Manitoba and the North West. (Mr. Reesor.)

RAPID TELEGRAPH COMPANY'S BILL.

SECOND READING.

HON. MR. CARVELL moved the second reading of Bill (I) "An Act to incorporate 'the Canadian Rapid Telegraph Company (Limited).'" He said: In moving the second reading of this Bill I do not know that it is necessary that I should say much about it further than to refer to a recent discovery in the means of telegraphic communication. This Bill proposes to incorporate a number of gentlemen with a view to utilizing that remarkable, and I trust valuable, discovery, and in doing so it is sought to obtain also the powers of an ordinary telegraph company. The discovery to which I have referred is so remarkable as scarcely to be credited by an ordinary listener. I have seen an account of it in a journal published by the Society of Telegraph Engineers and Electricians, a copy of which came to my hands a few days ago. Mr. Priest, who, I think, is the chief electrical engineer having charge of the postal telegraph affairs in England, states that he recently tried an exceedingly interesting experiment between Southampton and the Isle of Wight, and succeeded in transmitting signals from one shore to the other, a distance of six miles, without any wire whatever. It is to utilize this discovery that the Bill is introduced, and I trust that it will meet with no opposition.

HON. MR. HOWLAN—Before the motion is put I wish to say that I am afraid this Bill interferes with the vested rights of four or five telegraph companies, and I am sorry that the hon. gentleman who has introduced it did not give proper notice in the press of the Maritime Provinces. I am perhaps better acquainted with the subject so far as it refers to the Province of Prince Edward Island than I am with the rights and privileges of telegraph companies in Nova Scotia and New Brunswick. I notice, that although this Bill is called the "Canadian Rapid Telegraph Company," and the hon. gentleman who introduced it has told us that its object is to utilize a recent invention. The first sub-section of section 2 proposes:

"To establish, by any electrical means whatsoever, a system of telegraphic and telephonic communication between any places in all or any of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island."

With regard to Prince Edward Island, the Company which possesses telegraphic rights there is the New York, Newfoundland and London Telegraph Company. They have exclusive rights, as I will show, to the telegraph business in Prince Edward Island, and also from the point on the New Brunswick coast where the cable lands to Sackville. At that point their power ceases, and the powers of the Western Union and the Montreal Telegraph Company begin. Now this Bill would interfere very materially with these vested rights. I was not in my place the other day when this Bill was introduced, but the introducer of the measure is reported to have said that he had telegraphed to the President of the Anglo-American Telegraph Company, who is familiar with our system of legislation in Canada and would therefore be under the impression that certain public notice must be given.

With regard to Prince Edward Island, in 1853 an Act was passed by the Legislature of that Province regarding telegraphic communication. The principal member of the Company then was the gentleman who is now at the head of the electrical bureau here, Mr. Gisborne. The Company then incorporated was the Prince Edward Island and Newfoundland Telegraph Company. In 1854, after commencing operations, they sold out to the New York, Newfoundland and London Telegraph Company, and an Act was passed in 1854 by the Legislature of Prince Edward Island giving them an exclusive right to erect telegraph lines and maintain them in the Island. That Act was called "An Act granting certain privileges to the New York, Newfoundland and London Telegraph Company." The powers which were granted are defined as follows:—

"The said corporation may establish, construct, purchase, hire, keep in order and work any line or lines of magnetic, electric, or other telegraph, or mean of telegraphic communication in any part of this island, or its dependencies, or places under its jurisdiction, or between any two or more points therein, or between any point or points therein and any other island, province, country or place in or near the continent of America, or in or near the continent of Europe, or in the Atlantic ocean, and during the existence of the said corporation no other person or persons, body or bodies, politic or corporate, shall be permit-

ted to extend, to enter upon, or touch any part of this island, or the coast thereof."

That was passed for ten years, which would end in 1864. In 1863 the telegraph cable broke, and an Act was passed by the Provincial Legistature to the effect that unless certain conditions were complied with (a new cable laid down and communications sustained on the basis of the arrangement of 1854) they would lose their privileges. In 1867 an arrangement was made by which we gave them three hundred pounds a year. In 1869, an Act was passed which gave them the same powers as they had been granted in 1854, so long as they fulfilled certain conditions. When the cable broke in 1869 an hon. gentleman who is now within the sound of my voice, was President of the Council in the Government of Prince Edward Island, and I was one of his colleagues. I went to Montreal, on behalf of the province, to see Sir Hugh Allan to ascertain if he would establish telegraphic communication for us such as we had before the cable broke. He told me that they had a rule amongst telegraph companies that they should not take up each other's territories, but that if the New York, Newfoundland and London Telegraph Company would give up their territory, his company would be very glad to take it. I went to New York, and had an interview with the Western Union Company with the same result. Mr. Field, was then in England. I remained some time in New York, and finally made an arrangement with Mr. Field which was subject to the approval of the Government of Prince Edward Island. That approval was given, and a new act was passed by the legislature of the province under which they have their present rights. That Act recites the Act of 1854 and gives them all the powers that they then had. The first section is as follows:

"If the New York, Newfoundland and London Telegraph Company shall, on or before the 1st day of July next, lay down, in proper working order, a new submarine Telegraphic Cable across the Straits of Northumberland, so as to connect this Island with the Provinces of New Brunswick and Nova Scotia and the Continent of America generally, that is to say, at or near Capes Traverse and Tormentine, respectively, or at some convenient points on each side of the said Straits, and shall open offices and provide operators at Cape Traverse and Tormentine, or some other convenient point on each side of the Straits, to the satisfaction and approval of the Government of this Island, then so long after the completion of such Telegraphic communication and connection as before mentioned as the said New York, Newfoundland and London Telegraph Company shall maintain a regular telegraphic communication between this Island and the Provinces of New Brunswick and Nova Scotia and the Continent of America, generally, and shall, likewise, during the same period, at the costs and charges of the said Company, build, erect and maintain telegraphic offices and stations at either end of the electric cable connecting this Island with the Provinces of New Brunswick and Nova Scotia and the Continent of America, generally, that is to say, at Capes Traverse and Tormentine, respectively, and shall, likewise, maintain and provide properly qualified operators at the said stations for the purpose of transmitting intelligence from and to this Island, and to the post offices in Charlottetown and Summerside, respectively, at the same rates and charges, as regards the transmission of inland messages between one office and another in Prince Edward Island, as heretofore charged by the company, and at a rate not exceeding 50 cents additional on former charges on messages passing out and into this island through the submarine cable, and in the ordinary proportion for any additional number of words in each message, and, also, in the event of any of the people or the Government of this island erecting good and sufficient posts, free of costs to the said company, for an extension of the land line to Cascumpec or Alberton, the said company do furnish the wires and insulators therefore, and perfect telegraphic communication to Cascumpec or Alberton, as the case may be, and maintain said lines in proper working order, and also keep up and maintain telegraphic offices and stations and operators at Charlottetown, Summerside and Cascumpec or Alberton for the transmission of messages, there shall be paid to the said company, from the public treasury of this Island, the sum of 600 pounds of lawful current money of the said Island, in lieu of any former contract, by half-yearly payments, and for such sum the Lieutenant-Governor, or other Administrator of the Government of this Island, for the time being, shall draw warrants in favor of the company on the Treasurer of this Island in the usual manner."

The reason why there was this addition to the former charges was this: I was instructed by the Government of Prince Edward Island to try to have a telegraph line extended east and west in the Island, and on the condition that they would do that, and lay down a new cable, we agreed to give them 50 cents for crossing the straits and 25 cents for communication in the Island. When the Island entered the Confederation in 1873 the subsidy was

continued. Both Governments were anxious to break through this monopoly, but after consulting the very best counsel we found that it was impossible to do so as long as the company complied with the conditions of the Act. The only course that the Government could pursue was to make arrangements with the company to have telegraph operators at the railway station on the island, and that is the way the matter stands to-day. Therefore, I say, this Bill interferes with the vested rights of that company, since it proposes to charter a company to establish a system of telegraphic and telephonic communication in Prince Edward Island. It appears to me that the Bill would also interfere in New Brunswick with the rights of the Western Union Company which derives its powers from an old company which existed even earlier than 1854. Under the circumstances I think it would be unwise to proceed further until those whose rights would be interfered with by it have an opportunity to come here and give reasons why the Bill should not pass.

HON. MR. HAYTHORNE—I think the facts as stated by the hon. gentleman who has just resumed his seat, are correct, at all events since the year 1868, when as he said, he visited New York. My own acquaintance with the subject dates from about that period, and I believe the hon. gentleman has stated the circumstances with perfect correctness. Until a very recent period, in fact till within a very few days, I have always been under the impression that a rigid monopoly existed in favor of the company which the hon. gentleman named. But I believe some doubts exist upon that point, that some gentlemen learned in the law assert that the monopoly is not so great as was supposed; and if that is so, of course it is not at all unreasonable that the people of Prince Edward Island should be very glad to avail themselves of the opportunity to get rid of what, in fact, is a very onerous institution to them. In point of fact an ordinary telegram, which costs about 25 cents in Canada, costs 75 cents in Prince Edward Island; and unless it can be shown that the existing company, are really entitled to a complete monopoly for all time, I, for one, should be very glad to find the means of getting rid of it. Now, I understand that the system of telegraphing proposed by this Bill is quite different from the one now in existence, and if that be so, I cannot for my part see that any great wrong would be done to the company by the superseding of such business in consequence of the discovery of a system newer, and perhaps better than that now in force. I suppose, if the principle for which I contend had been ignored up to this time, the whole world would not have been in possession of the luxury of railways; because it would have been said that the old stage coaches possessed the monopoly of such rights, and that we had no business to supersede them by anything better. It seems to me, then, that the purpose of the Act may fairly be carried into operation. I believe it is a fact, also, that the usual notices were not given in this instance. I remember being present in the Private Bills Committee, and my hon. friend from Charlottetown (Mr. Carvell) who introduced this measure to-day, explained that it was impracticable to observe the rules in this case. He undertook, at that time, that notice should be given to the parties interested, and he has since informed me that such notice has been given. Under these circumstances, although I should perhaps object to see a clause introduced into that Bill which would enable the new company to use ordinary telegraph lines, I still think this measure ought to receive its second reading and be sent to the Committee on Railways and Telegraphs, where, of course, it should be thoroughly sifted. If it can be shown that vested rights are likely to be interfered with, of course that Committee understands its duty so thoroughly that it will act in the premises as the circumstances of the case demand.

HON. MR. MILLER—I think this Bill comes before us under unfortunate circumstances: it is a measure of a very important character, and it may probably interfere with vested rights. I say it is unfortunate that such a Bill should come before the Senate without any of the notices prescribed by the rules of this House, in regard to the introducing of Private Bill Legislation. Whether or not there are good reasons for no notice having been given, I am not prepared to say, because I regret that I was not present at the meeting of the standing

orders committee which passed a petition for this Bill, and recommended to the House the suspension of the rule. The committee having, however, recommended the suspension of the rule, I am satisfied that they must have felt convinced the case was one which deserved the recommendation they made to the House, as I know, from the attention given to such matters by that committee, that they would not be disposed to do so if that were not the case. Still I say it is a matter for regret, as this Bill may possibly—I ought not to say is likely, because I do not want to speak positively upon a matter I have not investigated—but it is possible that it may interfere with other existing rights; therefore, I say that it is unfortunate that it has not had the notice which the rules prescribed. When the question of Marine Electric Telegraphing was before the Legislature some few years ago, this question of the Prince Edward Island Telegraph Company—or monopoly as it was called—came incidentally under the consideration of this House, and I think it will be in the recollection of hon. gentlemen who took part in the discussion of that important measure, that a very full investigation was made with regard to the whole question of telegraphing, as involved in that Act. It strikes me that the opinion then prevailed that a monopoly did exist in Prince Edward Island, and it was admitted on all hands that it was a very extreme thing that it should exist. It was admitted, equally, that it was very improvident legislation, indeed, on the part of the Province of Prince Edward Island to grant the privileges—the exclusive privileges—which had been granted to the Company named by the hon. gentleman. Now, while I feel that the people of Prince Edward Island have very good reason, indeed, to complain of the burden they are obliged to bear in connection with this monopoly legislation of their Province, still, if it exists, there can be no doubt that this Legislature will not for a moment attempt to override vested rights without making compensation therefor. I think, however, that it would be as well to allow this measure to go to the Committee, and I have no doubt it will there receive full investigation; and as it cannot go before the Committee before the adjournment—the regular notice cannot be given in time to bring it before the Committee prior to the adjournment—a very fair time will have elapsed, and the parties interested in opposing this legislation, by the use of the rapid facilities for inter-communication which the public now enjoy, may be made aware that this legislation is before the House, if indeed they are not already made aware of it. I have no doubt that every person interested in this legislation is well aware of it at the present moment, and although the technical rules of the House have not been complied with, I have no doubt that all those likely to be affected by this legislation—if vested rights are to be affected by it—will before this time have had full knowledge of the Bill which the House is asked to pass. Under these circumstances, I, for one, shall be quite satisfied to see this Bill go to the Committee. I think it is the only fair way of treating it in fact, and I have no doubt the interests of all concerned will be properly protected before that Committee.

HON. MR. CARVELL—I scarcely expected there would be any opposition to the second reading of this Bill, and certainly I did not expect that opposition to come from the hon. gentlemen who offered it. Nor do I quite understand how any hon. gentleman having read this Bill, could raise the objection which has been referred to on both sides of the House. The wording of the third section distinctly shows that existing rights—even to the extent of monopoly—if they do exist, are sufficiently protected. I do not believe that the monopoly claimed in the Province of Prince Edward Island, is real, and while that is perhaps not a question to discuss now, I believe that they have played a very successful game of bluff for quite a number of years; I think, however, the time is drawing nigh when they will find that the game won't pay. It has been so successful that even the Government of Canada, when they sought to land a telegraph wire on the eastern part of Prince Edward Island, were driven off by this monopoly. But having discussed the question with some of the best legal minds that I have had access to, I believe, upon several grounds, that the monopoly does not exist as claimed. With reference to the remarks of the hon. gentleman from Alberton, as to the notice, I stated

on the occasion of the first reading of the Bill, that at the meeting of the Standing Orders Committee they agreed unanimously to report it, and it was made a condition precedent, that such notice as was possible should be given to the interested parties. So far as I can learn, the Anglo-American Telegraph and Cable Company, was the one likely to be affected, and the same day, I sought the opinion of a gentleman in Ottawa, who, in my judgment, was best posted on matters of this kind, one whom I have always found before the Committee on Telegraphs, whenever they met in all years I have been here, and from whom information was often obtained. I asked a suggestion from him, and he said "Have you not in Prince Edward Island some agent of the Anglo-American Company?" I said "Yes;" then, said he, "Wire him and he can have plenty of time to communicate with the head office in London and receive his instructions." That was done, and I only regret that I have not a copy of the message that was sent to Mr. James. I did wire him that a Bill was about to be introduced authorising a company to telegraph from Prince Edward Island to other points in Canada; so I do not think that objection holds very well. The experience of Prince Edward Island has been a hard one, and I would like if hon. gentlemen could realise the fact that it is not Prince Edward Island alone that is suffering, but the Dominion at large. The telegraphing within the Island is not a hardship, because it is a very small part of the messages that are sent. There must be two ends to a wire in order to send a message, and the business of the Island is with New Brunswick, Nova Scotia, Quebec, Ontario and Vancouver Island, and these places at the extremes are just as much sufferers from this monopoly as we are in the Island. It is in the interests of the people of this Dominion, if we can by any fair means do so, to get rid of the monopoly if it exists, and if it does not exist we should ascertain the fact. I think we are on the right road, and I am surprised that opposition to this Bill should come from the hon. gentleman from Alberton, as he, more than any other man now in public life, is responsible for the existence of that monopoly. He was one of those who went to New York and made arrangements with Mr. Cyrus Field, by which this monopoly was brought into existence. Under that arrangement the first message that was sent across the wires read as follows:—"Add fifty cents to all messages to and from Prince Edward Island."

That hon. gentleman, as one of the delegation, is responsible for all this, and for putting this Company in a position to take $20,000, over and above their subsidy, out of the Island, on an investment of about $30,000. One would naturally think that the hon. gentleman, if it were possible in any way for him to do so, would take the other side of the question. I do not wish to weary the House by discussing this measure just now, but if it is allowed to go to the committee I am satisfied it will there receive proper consideration.

HON. MR. KAULBACH.—I am not with my hon. friend the mover of this Bill, by any means, in endeavoring to interfere with the vested rights of any Company. When the subject of telegraphing came up some years ago, affecting as it did the Anglo-American Company, and the direct Cable Company, I gave my feeble efforts to sustain the rights of the Anglo-American Company; and I have seen no reason why I should change my views on that matter. Yet on the other hand, I am not disposed to do anything to defer the great improvements and discoveries made in electrical science. If we can utilize those inventions without infringing upon vested rights, I should be most desirous, in the public interest, to do so. I think this Bill might fairly go before the committee, which will investigate the whole matter. So far as I am concerned, being a member of that committee I shall endeavor to give my attention to it, and to preserve as well as I may be able, the vested rights enjoyed by any corporation; while at the same time I shall aim at utilizing, as far as possible, the wonderful discoveries which have lately been made in the direction I have indicated.

HON. MR. HOWLAN—I wish to add a few words in explanation of my position in relation to this Bill. My hon. friend from Richmond has remarked that it is unfortunate this Bill has not been proceeded with under our rules, with which I quite agree. Hon. gentlemen will remember that fifteen years have materially alter-

ed the conditions with regard to laying of cables. At that time cables were very expensive, and the cable from Prince Edward Island is part of the first one laid across the Atlantic. For a great number of years we had much difficulty in maintaining the communication as the ice used to grind the cables away. We had not the means in our possession to build a telegraph line, and we had no rights, even if we got across the straits. We might have wrested the rights from this Anglo-American Company, in Prince Edward Island, but we had no rights in New Brunswick; they possess all rights from Cape Tormentine to Sackville. Hon. gentlemen do not understand these things as well as I do. The hon. gentleman from Charlottetown says I was a member of a delegation; I tell him I was the delegate myself, and if he has any doubt about it the President of the Government from which I was delegate, sits on the other side of this House and can bear me out in saying so. The arrangement of which he spoke was made in the interest of the people of Prince Edward Island, and it was made with the sanction of the thirty members composing the Legislature of that Province. A discussion took place there, and every member of the Legislature, as well as the twelve members of the Legislative Council, knew distinctly that he was voting for a monopoly. The Act which I read a few moments ago proves this, and it was with these facts distinctly in my mind that I said there was no necessity for a Bill of this kind. I say it was on the express understanding that they should have a monopoly that the company in question took up the ground and occupied it; that is as clear and distinct as possible. They possess rights over the 40 miles from Cape Tormentine, in New Brunswick, to Sackville, and no power can take them from that Company. If we had thrown a cable across the straits we could not have landed it anywhere, and that is the reason Sir Hugh Allan and the Government thought that, even if we could give the right to land on Prince Edward Island, a company had no place to land on the other side. But the attention of the House was withdrawn from facts of that kind, and what are we told about this Bill? In the third paragraph I find the words:

"Nothing herein shall be construed so as to interfere with any exclusive right of laying or working electric telegraph cables that may now be possessed by any existing telegraph company."

But that is not what they are asking for—to lay telegraph cables. They ask, in the first paragraph of the Bill, to erect a line of telegraph between Prince Edward Island, New Brunswick and Nova Scotia; and I say I would be doing an injustice to myself and to the people who send me here if I withheld the information I possess. What would be thought of the Senate—the special guardian of all rights—taking away vested rights? And what would be thought of me, if, having that information, I sat here calmly and allowed a Bill of this kind to pass without placing the facts which are within my knowledge, before the Senate? It would not be just or fair that this Bill should be introduced without one moment's warning to those interested. The hon. gentleman from Charlottetown said there was no representative of this company on this side of the water, but he knew full well that the superintendent of this company lives in the very city from which he comes. He knows that to-day operators are at Cape Tormentine, at Cape Traverse, and all over Prince Edward Island, from East Point to North Cape under conditions made with the present Government of Canada at the opening of the Prince Edward Island Railway. That we should pass the Bill in this way, on a mere telegram across the ocean, and take away all these rights and privileges, without listening for a moment to the other side of the question, seems arbitrary and unjust. I say it is wrong, and I do not believe the Senate would take such a course; I am satisfied they will hear the other side, and ascertain whether these people have vested rights or not. It is always the case, when people have vested rights, that others want to take them away. It is a matter of every day life, whether the association be for manufacturing, banking, railroading, or telegraphing, others are always striving to take away their rights. But under our constitution it is provided that vested rights shall not be interfered with without fair consideration, so that people having these rights shall be heard. I say it is a farce to assert that the conditions have been com-

plied with in this case. The Bill is brought before Parliament at a moment's warning, and has not been advertised in any newspaper. A mere telegram has been sent across the ocean about it. I ask what would Lord Hay, the President of the Anglo-American Telegraph Company think of Canada, if, without any reason or notice of any kind, except a telegram, this House should pass the Bill. He would not believe it possible, and would pay very little attention to the message.

Hon. Mr. OGILVIE—I shall not detain the House long, but wish to say a few words on this subject, as we in Montreal know a good deal about this telegraph business. One of the companies of which the hon. gentleman spoke as having some rights was the Western Union Company. I do not think he need trouble himself about their not taking care of their rights, as they are perfectly well aware that this Bill is to be brought in; they knew of it after the first day or two it was mentioned, and were communicating with certain people in this city on the subject. We had a company in Montreal of which we were very proud, and I cite it as an example of the way these monopolies work. For a number of years our telegraphing in Montreal was done for less than in any place in the world, and the fact was at last noticed by some smart New Yorkers, who said, "it won't do to let the Montreal Company work in this way." They were constantly being told of the difference in price for telegraphing on the two sides of the border, and they determined to stop it. I remember when we could telegraph to Sarnia or Windsor for 25 cents, but to go 50 or 75 miles further we had to pay 50 cents more. This contrast affected the Americans very seriously, and that they might prevent it they bought out the system. The best men in Montreal tried to stop the sale of this Company and its transfer to other hands; but it could not be avoided. The hon. gentleman from Richmond thought the way in which this Bill was introduced was unfortunate; but I think it would be unfortunate if the Bill should not pass through all its stages. The hon. gentleman is aware that this is a new system of telegraphing, and it was impossible to give two months' notice, for the thing was not known two months ago. In the Standing Orders Committee it was expressly stated that notice should be given to the parties to be affected; that was done and no more could be expected. I think, then, it would be a great pity to risk the chance of doing good by throwing the measure over for another year. This improvement would enable us to do our telegraphing to Prince Edward Island and other places much cheaper than we can at present. As an hon. gentleman said, stage coaches very properly held their own until the railways came and wiped them out. From what the hon. gentleman from Alberton says, it would appear that the Government of this Province gave these people certain rights for ever, and it now costs more to send a telegram 200 miles—from Prince Edward Island to New Brunswick or Nova Scotia—than it costs in other parts of Canada to send a message 1500 miles; it costs us 25 cents, while I think they pay nearly double that amount. Now that is an anomaly which we should remove, if it is at all possible. The burden is not confined to Prince Edward Island, for I know, as a business man, it is felt in other parts of Canada, though not to so great an extent.

Hon. Mr. HOWLAN—Does my hon. friend know what is the cost of a message from Prince Edward Island to Sackville?

Hon. Mr. OGILVIE—No, I do not.

Hon. Mr. HOWLAN—It is 45 cents.

Hon. Mr. OGILVIE—At any rate we can telegraph a great deal farther than that for 25 cents. The hon. gentleman is very anxious lest there should be interference with vested rights, but I would remind him that even if there were such a wish on the part of any member of this House, it would not be allowed; there are those who will look after the Bill and prevent any improper interference. Therefore I think the Bill should go to the second reading, and I hope it will pass.

Hon. Mr. SCOTT—I am not surprised at the warmth exhibited by the hon. gentleman from Alberton, as he was one

of those who assisted in the legislation that placed this yoke upon the people of Prince Edward Island, but I believe it is the duty of statesmen and of legislatures to break up those vested rights. The world would have made very slow progress for the last 100 years if that principle of vested rights of large corporations had been held too sacred to be laid hold of by legislatures. It certainly rather startled me that such a doctrine should be advanced, that any question coming before the Parliament could be at once throttled by saying it is an interference with vested rights, and above all things to offer opposition to a Bill of this kind which is an interference with the rights of a huge corporation that has the world by the throat at present, a corporation that sets at defiance the laws and the legislatures of all countries, and has over and over again forfeited its charter. It has no respect whatever for Acts of Parliament, or for public treaties, a corporation which was originally chartered with certain very great privileges, a corporation that has since acquired very large privileges, and many of the conditions on which those privileges had been obtained have over and over again been forfeited; a corporation that at the present time is the largest monopoly in the world. I think I am safe in saying for the Anglo-American Company, now that it possesses the cables of the French Company, and the Direct Cable Company, that it has by its pooling arrangement with the American Union more lines than any other Company on the face of the globe. It is the largest corporation within my memory, at all events; a corporation that defies the Congress of the United States, a corporation that has defied the Parliament of Canada. When in 1875 we passed an Act that interfered with the vested rights of that company, and granted a charter to the Direct Cable Company, the conditions under which it went into existence were that its charter was to be forfeited absolutely if it entered into an alliance with the Anglo-American or any other company. The cable had scarcely crossed the ocean before the Anglo-American gobbled it up, and in defiance of the Act of Parliament, it continued to exercise the franchise of the Direct Cable Company, and does to this day. A French company established another cable between France and the United States. One of the conditions on which they were allowed to land their cable on the United States coast was there was to be no alliance, and no incorporation with any other company. Another condition under which they were allowed to land their cable was that they should make no alliance with the Anglo-American Cable Company. But what did the Anglo do? They allowed them a short lived existence of a few months, and then they gobbled them up. I will not say how it was done, it would be a diversion on this occasion, but I could explain it if necessary. When the American Government through its Consul at Paris called upon the Anglo to divulge the conditions on which this pooling of rates or fusion with the French Company was made, they declined to give any information. It was pointed out that one of the conditions on which they were allowed to land their cable was that it should be an independent company; they returned the answer that they did not propose to give the United States Government the information asked for. That was the latest phase of the affair; it had reached that point about a fortnight ago. I could go on and describe the position the Anglo Company occupies by a number of illustrations of that kind, showing that that company cares nothing whatever for the conditions or privileges that have been accorded to it under legislative authority, that it simply defies all governments, and has become so powerful as to defy the legislatures of this country and of the United States. Under the Act of 1875, hon. gentlemen will recollect that if the Direct Cable Company made a fusion with the Anglo-American their charter would be forfeited, but nobody has cared since to raise the question, it was not thought desirable to do it, and so it continues; and for an hon. Senator to say that this House is not justified in interfering with even the vested rights of the Anglo-American Company, is, in my judgment, rather heretical. I should be extremely slow to deprive anybody of a power that they were honestly exercising without giving due compensation for it, but the principles upon which that vast corporation has acted are not such as would justify us in dealing with them on the same basis on which we might be disposed to deal with other parties. This Bill

should go to a second reading and be referred to a committee where its merits will be discussed. I am not prepared to say at this moment what line ought to be taken by Parliament in the future. I assume it is a matter that the Government of Canada will have to consider. We cannot here speak as to the constitutionality or legality of the measure; it will have to be considered by the Minister of Justice, and until we reach that point the Bill should be allowed to proceed in its various stages, and I hope that it will ultimately pass and become law.

HON. MR. POWER.—Before the Bill is read the second time I shall, with a view of furthering the object of the hon. gentlemen from Ottawa, read a few lines from the Act of incorporation granting the privileges to the New York, Newfoundland and London Telegraph Company.

HON. MR. SCOTT.—I am quite aware of that clause in the Act of 1875.

HON. MR. POWER.—I am speaking of the Prince Edward Island Act, and I do it in order that the Minister of Justice may bear the matter in mind. The second section of chapter four of the Act of the Prince Edward Island Legislature, for the year 1854, was read in part by the hon. gentleman from Alberton, and I propose, for the information of hon. members to read the balance of the section. It is as follows:—

"And during the existence of the said corporation no other persons, body or bodies, politic or corporate, shall be permitted to extend, enter upon or touch any part of this island, or the coast thereof, or of the islands or places within the jurisdiction of the Government of this island, with any telegraphic cable, wire, or other means of telegraphic communication from any other province, state, country or place whatsoever."

It does not stop there; it says "beyond the Continent of America." There is nothing in this Act to hinder a cable being laid across the Straits of Northumberland from the American continent. The object of those gentlemen who were seeking these exclusive privileges was to prevent any Cable Company from Europe landing a cable on the Island; it was not to separate Prince Edward Island from America, consequently I do not think there is any interference with vested rights, even though the hon. gentleman from Charlottetown should lay a cable across the Straits. To my mind that is perfectly clear, and I may mention to the hon. gentleman as a somewhat singular thing—whether it was that those gentlemen who had the monopoly were aware of the fact, that the Charter did not give them the exclusive rights which they claim, or not—all the copies of this Statute disappeared from every portion of this building. There were copies of the Act in the Senate end of the building; there was a copy of it in the Library, and I think there was one somewhere else, and they have all disappeared. It is a fortunate circumstance that this copy of the Statute remains, because it shows quite clearly that this company have not by their charter the monopoly that they pretend to have. I may say, that it is since the hon. gentleman from Prince Edward Island introduced his Bill that this Act came to my knowledge; but even supposing that it did give this Company a monopoly of telegraphic communication of the ordinary kind, it could not give them a monopoly which would include the use of the invention of which the hon. gentleman from Charlottetown has spoken, and on which his Bill is based, because it could not be held that in 1854 those people were taking an exclusive right to use a certain mode of communication which did not become known for nearly thirty years afterwards.

HON. MR. HOWLAN—How do you know?

HON. MR. POWER—It was not known then—though it is said that it was discovered some few years earlier than this by Mr. Gisborne—and I fail to see any reason why this Bill should not be read the second time. The provision in the Bill as regards vested rights is, I think, all that could be desired. Clause 3 provides:—

"Nothing herein shall be construed so as to interfere with any exclusive right of laying or working electric telegraph cables that may now be possessed by any existing telegraph company."

If this does not protect supposed vested rights fully, it can be amended in Committee.

The motion was agreed to and the Bill was read the second time.

BOOMS AND WORKS ON NAVIGABLE WATERS BILL.

SECOND READING.

The order of the day having been read for the second reading of Bill (K), "An Act respecting booms and other works constructed in navigable waters, under the authority of Provincial Acts."

HON. SIR ALEX. CAMPBELL said: The difficulty which has given rise to the introduction of this Bill has occurred in the Province of New Brunswick, where there are certain booms used for the purpose of getting down timber and lumber, and which, it is alleged, interfere with the navigation of the river. Those booms are authorized by local legislation, but recently the right of the Local Legislature to legalise any booms which obstruct or interfere with navigation has been questioned in the Courts of that Province, and having been decided there, is now before the Supreme Court here by way of appeal. In the meantime great doubt and uncertainty, and some apprehension exist in New Brunswick regarding those booms, and the possibility of their being interfered with while this litigation is going on. The Bill before the House proposes that so far as they interfere with navigation these booms shall be subject to the authority of the Government and Parliament here. That as regards every other feature of the booms they shall be subject to legislation of the Province of New Brunswick. As regards the question of their interfering with navigation it is proposed that within a certain time, which is mentioned in the Bill as three months, but which it is proposed at the instance of some parties interested to enlarge to six months, the owners of existing booms shall submit plans of such booms for the approval of the Minister of Marine and Fisheries, and they can only become legalised on proof that they do not interfere with navigation, and with regard to all booms and dams, and structures of the same kind to be erected hereafter on navigable waters, they shall be subject to the approval of the Minister of Marine and Fisheries in the first instance. That will put all the booms in this position, that all owners who desire to have their booms legalized, must, within six months from the passing of this Act, have them approved by the Minister of Marine and Fisheries, and obtain from him a certificate that they do not interfere with navigation. In regard to the future, those who require Acts of Incorporation for such purposes shall obtain them from the Local Legislature, the parties having first obtained from the Minister of Marine and Fisheries here a certificate that the proposed works shall not interfere with navigation. The Bill has been framed on the model of the one passed a couple of years ago regarding bridges over navigable streams. As regards the navigation, the parties must come to the Government here for sanction, and as regards the approaches and the structures to be erected they must go to the Local Legislature. This will put the matter in a safe position and secure to such parties their rights, by giving them an opportunity to satisfy the authorities here that they are not interfering with navigation.

HON. MR. MACFARLANE.—I have observed that litigation has already arisen in reference to some of those booms in New Brunswick, and I think some litigation is now pending there. I find, however, that there is a saving clause in the Bill for the protection of parties whose cases are now before the court.

HON. MR. POWER.—There is one point in connection with this Bill to which I would direct the attention of the Minister of Justice, so that when the Bill comes before the House in committee he may be prepared to meet any objection that may be urged against it. That is, the question as to whether it might not be necessary for any individual who wished to build a wharf on his own water lot to first obtain permission of the Governor-in-Council, and submit his plans. I do not think that is the intention of the Government, and if it was to be the result of the passing of this Bill the remedy would be much more serious than the disease.

HON. MR. MCCLELAN.—I presume that the object of this Bill is to protect the lumbering interests of New Brunswick. Those booms have been constructed for the protection of logs and timber on the floatable streams of that Province, and up to a recent period there never has been

any question as to the right of the owners of such works to have them there and use them. This question as to their legality has now arisen, and it is necessary to make them valid, therefore, some legislation is absolutely necessary for the protection of the lumbermen. My hon. friend from Halifax raises another very important point in connection with this. If the effect of passing a law of this kind legalizing booms in so far as they interfere with navigation, affects the right to build wharves on navigable streams, it raises a very serious question. There never has been any question as to the right of a man to build a wharf on the river bank opposite his own property, but that question may or may not be involved in this Bill; it is therefore a proper thing for the Minister of Justice to look into. If that is involved, then it would raise the point whether it would be better not to include wharves in this legislation.

HON. SIR ALEX. CAMPBELL.—They are included.

HON. MR. MCCLELAN.—Perhaps they are not intended to be included in that way when built on private property, although they are in the tide-water.

HON. SIR ALEX. CAMPBELL.—The idea is to include wharves where they interfere with navigation.

HON. MR. MCCLELAN.—You cannot build a wharf without interfering with navigation to a certain extent.

HON. SIR ALEX. CAMPBELL—It means injuriously interfering with it.

HON. MR. MCCLELAN.—There is also another class of cases. Saw-mills have been constructed in New Brunswick in the tide-water, and there has never been any question about utilising navigable waters in that way; still, in a strict sence it is navigable water, and it would be a very serious thing if it were subsequently found that under this law they were illegally obstructing navigation, and the owners could be compelled to suspend business and thereby suffer great loss. Another feature in conection with this Bill is—it is an Act respecting booms and other works constructed in navigable waters under the authority of Provincial Acts. Now if the meaning of "other works" takes in piers, jetties, moles and breakwaters, and the word "aboiteau" includes dikes and embankments, it may be a serious matter. Dikes and embankments have been used in the Province of New Brunswick for many years for the preservation of valuable marsh lands, and the question would arise whether under this Bill they would continue to be legal structures unless the authority of the Government here was asked for and obtained in connection with them. If that is a necessary contingency it would entail very serious trouble, to say the least of it, and a difficulty which no one should be called upon to meet. I merely mention those things as the result of my local knowledge, and I daresay these several questions will be considered in Committee.

HON. MR. KAULBACH—Does the hon. Minister of Justice consider that it is essential for the operation of the Bill to insert the word "wharves?" It seems to me it might cause a great deal of inconvenience to people who build wharves in navigable waters. It would be very inconvenient to many persons to be compelled to fyle plans and receive the approval of the Governor-in-Council before they could erect wharves. Probably the word could be taken from the Bill without destroying the object for which it was intended.

HON. SIR ALEX. CAMPBELL—The principal feature of the Bill is that it is not tied down to booms; it has reference to any structure that interferes with navigation. Hon. gentlemen may have in their minds now wharves that do not interfere with navigation, but it is possible that such structures may be built hereafter in a way to interfere with navigation. A wharf cannot be held to be illegal unless it does interfere with navigation, and the Court must be satisfied that it is a substantial interference with the navigation of the stream before it is liable to removal or destruction. The only object of inserting the word "wharves" in the Bill is, that if a wharf should be constructed so as to be an obstruction it could be abated, or so reduced in size as not to interfere with navigation. The Bill as framed has been read by many gentlemen from New

Brunswick, and the language of it has been telegraphed to many interested persons in New Brunswick, and I have not heard that any objections have been raised to that word. The whole burden of the Bill is this, that if any structure interferes substantially with navigation that structure must have the sanction of this Parliament or of some authority under this Parliament. I think that is a good and safe rule and the only legitimate and constitutional rule, because we are charged with the protection of navigation, and it is our duty to preserve navigable rivers from every obstruction, and therefore to legislate for that purpose, that parties interested may conform with the rule, and if their structures do not interfere with navigation they may get certificates to that effect, and if they do interfere with navigation that they may construct them so as to present no such obstruction or remove them altogether.

HON. MR. MILLER—The Bill contemplates interference only with wharves constructed under the authority of Provincial Acts. It does not interfere with wharves built on private property. As the hon. Minister of Justice has said, when these erections interfere with navigation, it is quite necessary that Parliament should have control of them. I know cases where it would have been desirable for Parliament to interfere before and prevent navigable streams being obstructed. Under these circumstances, on that particular point I do not see any objection to the Bill. Of course the remarks of the hon gentleman from New Brunswick should have great weight, because his particular knowledge of the question is admitted to be very extensive.

HON. MR. KAULBACH—I admit that some of my objections are removed by the remarks made since I spoke.

HON. MR. SCOTT—I think the intention is that this Bill should apply to all wharves as well as booms. It seems to be assumed that certain wharves are constructed under the authority of the Local Legislatures—I think in Ontario they are not. In many instances in this Province, people build wharves because they own land on the banks of navigable waters, but they get no special authority to do it. They buy from the Commissioner of Crown Lands the lands under the water, if they are riparian proprietors, and that gives them the right to build wharves. The local power can give them no rights above the land, because the jurisdiction over navigable waters belongs to the Federal Parliament. Nine-tenths of the wharves in this Province are built under no authority whatever, but merely under the circumstances which I have described. I have no doubt the Bill is drawn under a misapprehension of the facts as they exist. I am inclined to think that it will have to be re-cast—to be useful it ought to apply to all cases.

HON. MR. POWER—I hope the hon. gentleman, however, is correct, and that the Bill will not apply to private property. If it does not, the objection would not be so strong.

HON. MR. WARK—If this Bill is intended to cover all kinds of property, it is very desirable that the Government should understand the position of wharves in different harbors. Now the water in the harbor of St. John is very deep, and the wharves do not extend far from the shores. In the Miramichi River it is very different. Where the estuary is a mile wide the channel does not occupy more than a fourth of that distance, the balance being shallow water, extending from the shores to the edge of the channel. To construct a wharf in such a place so that ships can approach it, the structure must be built at the edge of the channel, and connected with the shore by a long bridge. That is the way that wharves are built here. Now a great many rafts pass over this shallow water, never touching the channel at all, and in building wharves it has been customary to provide means for rafts to pass under the bridge. I make these remarks, in order that the Minister of Justice may keep in view the different kinds of wharves and different kinds of navigation that will be affected by this measure, so that the owners of such wharves as I have described may be protected. I am very glad that the Government have arrived at the decision to legislate in this direction.

HON. MR. VIDAL—I was about to call the attention of the House to some of

the points to which the hon. member from Ottawa has referred. The Bill, it appears to me, is confined simply to structures made under the authority of the Local Legislatures, and, as the hon. gentleman from Ottawa has very justly said, in Ontario they are not made under such authority. I think it would be most desirable, by some alteration in the phraseology of the Bill, or by the addition of a few words, to bring these wharves under the purview of the Government in the same way that the structures mentioned in the Bill are. It so happens that in the place where I live a case exactly in point arises. Private parties have bought the land under the water, for which they have obtained a patent from the Crown. It extends out to deep water, but the Government in issuing these patents guard themselves very carefully by inserting the words, "reserving all the rights of navigation." The purchasers are not to interfere with the navigation. I was myself placed in a very curious position on account of this procedure. I required to get possession of some land to construct a dock, and the Government would only sell land under the water to the extent of 28 or 30 acres, for which they insisted a certain rate should be paid, according to valuation by a surveyor. They gave a patent for the land which extended in a triangular shape under the water, one part running to a point and the other about a quarter of a mile wide. They required that I should buy the whole of that piece. Now, it was covered with water to a depth of about six feet, and certainly was navigable for small craft. I required to purchase that because the rights of navigation prevented the construction of a long wharf to enable one to reach the deep water of the St. Clair. This is a serious inconvenience which might be prevented. Then, in the case of a party owning a private wharf extending eighteen or twenty feet into the water, his neighbor might build one beside it and extend it five or ten feet further, rendering it inconvenient for vessels to approach the shorter wharf. This has actually been done at Sarnia. Some authority should prevent one person from encroaching in this way on the rights of another by defining how far a wharf might extend without interfering with the rights of navigation or the rights of other parties. I think in the case of a town like Sarnia, plans of such structures should be submitted for approval before wharves could be built. I have sought to get the whole Bay adopted as a harbor, as it really is, being on the boundary line between the United States and Canada on a navigable stream. The harbor belongs certainly to the Dominion Government and is under their control. At present there is no control exercised over that harbor, and we are subject to great annoyances. The Americans bring over wrecks of vessels and leave them in our bay to rot; we have no power to protect ourselves at all. They have had the impudence to drive piles in our bay and bring in logs there.

HON. MR. MILLER—Is there no harbor master?

HON. MR. VIDAL—No. We have assumed authority in the municipality—I do not know that we possess it—and have instructed our mayor to prevent that sort of thing. Sometimes people yield to his authority, but others will not. It is exceedingly desirable that in a Bill of this kind something should be done to remedy this inconvenience and to protect private rights. I hope some such amendment will be made to the Bill.

HON. SIR ALEX. CAMPBELL.—The occasion for the Bill arose in New Brunswick, as I mentioned in speaking before, and it may be that it has got a New Brunswick cast providing for only cases which arise there. Undoubtedly the view taken by the hon. member from Richmond is correct, that the Bill as it now stands applies to wharves and booms constructed under the authority of the local legislatures. In New Brunswick I understand all these booms have the authority of the Local Legislature. That is the fact as submitted to me, and to deal with them was the object I had immediately in my mind, and that probably gave rise to the present feature of the Bill. I do not know in Ontario any case where wharves interfere, or are supposed to interfere, with navigation. It may be that booms on the Ottawa and other rivers do, but when the Bill goes into committee if it should be thought proper to include such works erected without the authority of the local legislatures, it can be done.

HON. MR. POWER.—No, no.

HON. SIR ALEX. CAMPBELL.—At all events that can be considered. If they interfere with navigation, I can see no reason why the Bill should not apply to them. However, we will take the opportunity to discuss the subject in committee.

The motion was agreed to, and the Bill was read the seeond time.

THE NICHOLSON DIVORCE BILL

MOTION.

HON. MR. MACFARLANE moved the adoption of the second report of the committee to whom was referred the Bill for the relief of Peter Nicholson.

HON. SIR ALEX. CAMPBELL—If the assistance is to be given the amount mentioned in the report seems to be small enough I have no doubt that the Committee have satisfied themselves that some such assistance should be given. It is very embarrasing. I feel that in cases of this kind if a very heavy burden is imposed on the applicant it may possibly interfere with the possibility of his obtaining redress. I sympathize also with the respondent in wishing that she should have an opportunity to defend herself. I suppose some such assistance as is proposed must be given on the part of the petitioner if he is to go on with his petition.

The motion was carried on a division.

INTERPRETATION ACT AMENDMENT BILL.

IN COMMITTEE.

The House went into Committee on Bill (H), "An Act further to amend the Interpretation Act."

HON. MR. DE BOUCHERVILLE—From the Committee, reported the Bill without amendment, and the third reading was fixed for to-morrow.

The Senate adjourned at 5.40 p. m.

THE SENATE.

Ottawa, Wednesday, March 21, 1883.

The SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

THE SOURIS BRANCH OF THE PACIFIC RAILWAY.

INQUIRY.

HON. MR. REESOR inquired

"Of the Government as to whether they are able to give any information as to the progress that will be made during the present year, by the Canadian Pacific Railway Company, towards completing their South-western Branch to the coal fields of the Souris River?"

He said: I make this inquiry in order that the public, who are deeply interested in that part of Manitoba, may know whether the road is likely to be completed during the present season, or whether it is to stop at the point to which it is now constructed. Of course it will make a great difference to the farming community as to the extent to which they shall incur expense in cultivating their farms. For instance, in the Pembina Mountain region, and for some distance beyond that, they have produced quite a surplus—considerably more than they have a market for. I do not wish to be understood as finding any fault with the Pacific Railway Company, I think their efforts last year were most creditable. They have shown great enterprise and energy, and I merely wish to obtain whatever information the Government may possess on this subject for the benefit of those who are interested in the progress of that part of Canada.

HON. SIR ALEX. CAMPBELL—In reply to the hon. gentleman's question, I beg to say that the Government has no information on this point. If my hon. friend will either let the question stand until after the vacation or renew it, then I will endeavor to obtain the information; but there has been no time since the notice was given to communicate with the Pacific Railway Company to learn what their intentions are.

HON. MR. REESOR—I will let it stand.

NEW WESTMINISTER PENITENTIARY.

INQUIRY.

HON. MR. MACDONALD inquired :—

Were the charges made in open Court, before Mr. Justice Gray, at the New Westminster Assizes, in June. 1882, relative to the favoritism alleged to be exercised in the discipline of the New Westminster Penitentiary, brought to the notice of the Government? If so, was an investigation had, and what was the result of the investigation?

He said: If the charges to which my inquiry refers have been established by an investigation, the officers should be punished; if they are not, then the officers should be exonerated publicly. That is why I ask the question.

HON. SIR ALEX. CAMPBELL—In reply to my hon. friend's question I beg to say that there has been an inquiry into this alleged favoritism. The investigation was made by Mr. Trutch, the agent for the Dominion Government in British Columbia, and the result of that inquiry has satisfied the Government that no such favoritism has been shown as was spoken of on the occasion in question before Mr. Justice Gray; there does, however, seem to have been something in that direction shown to one particular convict, and into that case I am causing some inquiry to be made.

CRIMINAL STATISTICS.

MOTION.

HON. MR. MACDONALD moved,

"That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency would be pleased to cause to be laid before this House, a Return shewing, for the year 1882, the number of persons confined after sentence in the prisons, reformatories and gaols, under the control of the local authorities of the several Provinces, the offences of which they were convicted, and the length of the sentences."

He said:—The report of the inspectors of penitentiaries for the year 1882 has been submitted, and I am glad to notice by it that there has been a diminution of crime as compared with the previous year. A return such as I ask for in this motion, coupled with the report on the penitentiaries, will form a complete record of the number of persons undergoing sentence in every part of the country.

HON. MR. NELSON—I would suggest that this return should show the number of Chinese, Indians and Europeans undergoing sentence.

The motion was agreed to.

BILL INTRODUCED.

Bill ( ) "An Act to amend an Act to Incorporate the Ontario and Quebec Railway Company"—(Mr. Allan.)

THE PRIVILEGES OF THE SENATE.

MOTION.

A message was received from the House of Commons that Senators Haythorne, Carvell and Howlan be allowed to attend and give evidence before a Committee of the House of Commons on the subject of steam communication with Prince Edward Island.

HON. SIR. ALEX. CAMPBELL moved that leave be given the Senators mentioned to attend and give evidence, if they should see fit.

HON. MR. MILLER—I think it well to remark here, while this motion is before the House, that it seems not to be as well understood as it should be that a member of the Senate has no right—in fact, he renders himself liable to be taken into custody by the Sergeant-at-Arms, and fined or imprisoned for going before a Committee of the other House without the leave of the Senate. That has been done through inadvertance on several occasions, and it is just as well to call attention to the fact now, in order that it may not occur again, because it is a very important privilege of this House, and should be strictly regarded.

HON. SIR ALEX. CAMPBELL—Attention was drawn to the importance of the privilege by the hon. gentleman from Prince Edward Island, and he de-

clined to go before the Committee and the result has been the message which has just been read to the House.

The motion was agreed to.

INTERPRETATION ACT AMENDMENT BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (H), "An Act further to amend the Interpretation Act."

He said: When the hon. member from Halifax drew attention yesterday to the proviso at the end of the last paragraph I said that I thought it had been taken from the Ontario Statutes. I find that is not the case. It has been taken from the revised statutes of New York in which the provision is found the same in substance although not the same in language. The proviso in the New York Statutes is as follows:—

"Where any statute not hereby repealed refers to and adopts any statute or part of a statute which is herein repealed, the statute or part of a statute so referred to and adopted, shall not be deemed repealed by the provisions of this Act, but shall be in force so far only as the same shall have been so adopted, and for no other purpose, and subject to the provisions of the two next sections."

"But if the statute or part of a statute so referred to and adopted shall have been revised and consolidated in the Revised Statutes, all provisions contained therein repugnant to or inconsistent with those of the said Revised Statutes, shall be demed repealed at the time specified in this Act, and every such provisions so refered to and adopted, which shall be modified by the Revised Statutes, shall be deemed to be so modified in respect to any use or purpose, for which such provision is herein declared to be in force, from and after the time when the Revised Statutes shall take effect."

"Where any statute or part of a statute, which is not hereby repealed refers to and adopts any provisions or rule of law which is arrogated or modified by the Revised Statutes, such provisions or rule shall be deemed to be so arrogated or modified, as the case may be, as well in respect to such statute or part of a statute not repealed, as otherwise, from and after the time when the Revised Statutes shall take effect."

The same provision is found in the Consolidated Statutes of New Brunswick, very nearly in the same language which has been adopted in this Bill, only it is for the Consolidated Statutes, and is therefore more general. The clause is as follows:—

"Provided always that where there is in the Consolidated Statutes no enactment relating to the same subject matter as the repealed Act or enactment, such repealed Act or enactment shall stand good, and be read and construed as unrepealed in so far as may be necessary to support, maintain, or give effect to such unrepealed Act, or such instrument or document."

The same language is found in the Imperial Statutes. I had it before me to-day in the case of a statute which was sent out to this country affecting the Dominion.

HON. MR. POWER.—I had taken the trouble to look at the Ontario Statutes and I found, as the Minister has just stated, that the provision was not there. I have also looked in the latest English work on statutory law, and I do not find they have such a provision in England. I may be in error, I have not had an opportunity of seeing the statutes referred to by the hon. Minister, but I think, judging from what I heard of the New York statute, that it is not an Act dealing with the interpretation of statutes, it is simply a provision in some particular Act that, as regards the subject of that Act, the repeal shall not have the effect indicated; and further, the provisions there are not the same as in the provisions at the end of the last paragraph in this Bill.

HON. SIR ALEX. CAMPBELL.—It is in a general statute in New York.

HON. MR. POWER.—But not about the interpretation of statutes. The Ontario Statutes go as far, I think, as is prudent, and the Nova Scotia Statutes go about the same distance. I may be wrong, but my impression is that this provision has been put in here to meet some particular case.

HON. SIR ALEX. CAMPBELL.—No.

HON. MR. POWER—It reads like it. My impression is that this provision will lead to very serious troubles in the future.

The motion was agreed to and the Bill was read the third time and passed.

BOOMS AND WORKS ON NAVIGABLE WATERS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (K) "An Act respecting booms and other works constructed in navigable waters under the authority of Provincial Acts."

HON. MR. WARK, from the Committee, reported the Bill with amendments which were concurred in and the Bill was read the third time and passed.

The Senate adjourned at 4.50 p. m. until Wednesday the 4th of April next at 8 p. m.

THE SENATE.

Ottawa, Wednesday, April 4th, 1883.

The SPEAKER took the Chair at Eight p. m.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (2) "An Act to Amend the Acts respecting procedure in criminal cases, and other matters relating to criminal laws." (Sir Alex. Campbell).

Bill (67) "An Act respecting the Citizens Insurance Company of Canada." (Mr. Bellerose.)

Bill (29) "An Act to incorporate the Bank of London in Canada." (Mr. Leonard.)

Bill (18) "An Act to Incorporate the University of Saskatchewan, and to authorize the establishment of Colleges within the limits of the Diocese of Saskatchewan." (Mr. Allan.)

Bill (13) "An Act to provide for the punishment of seduction and like offences." (Mr. Power.)

Bill (7) "An Act to amend the Criminal Law, and to extend the provisions of the Act respecting offences against the person." (Mr. Scott.)

Bill (5) "An Act for the better prevention of fraud in relation to contracts involving the expenditure of public moneys." (Mr. Scott.)

Bill (24) "An Act to Incorporate the Manitoba and North-West Fire Insurance Company." (Mr. Girard.)

HON. MR. BELLEROSE—I believe the time for receiving Private Bills has expired.

HON. MR. MILLER—That does not apply to Bills from the House of Commons. There is this to be said, however, with reference to Private Bills, that if they have not been reported on by the Standing Orders' Committee, they should be referred to that Committee to be reported upon, before the second reading.

HON. MR. BELLEROSE—Is this one of them?

HON. MR. MILLER—I do not know; I refer to any private bill.

EMPLOYEES OF THE GOVERNMENT.

HON. MR. TRUDEL—(In French) enquired whether the return for which he had moved some two or three years ago, respecting the creeds and nationalities of all persons in the employ of the Government, would be brought down this Session?

HON. SIR ALEX. CAMPBELL.—I think the return has already been brought down and is in the hands of the Joint Committee on Printing.

HON. MR. BELLEROSE.—I believe at the beginning of the Session the Minister of Justice stated that it had been decided the document would come to the printing office before it reached the Senate, and that it would be submitted in a printed form to the House. Would the Minister be kind enough to enquire and let us know to-morrow if the document has yet been printed? It is now some 24 months since the return was asked for.

HON. SIR ALEX. CAMPBELL—I find I was in error in saying that it had been brought down in a printed form; the return, as I understand is now before the House.

The Senate adjourned at 8.30 p.m.

THE SENATE.

Ottawa, Thursday, April 5th, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATOR.

HON. JOHN SCHULTZ was introduced, and having taken and subscribed the oath of office, and signed the roll, took his seat.

THE COMMITTEE ON PRIVATE BILLS.

MOTION.

HON. MR. BELLEROSE moved that the time for receiving reports from the Committee on Private Bills be extended until the 20th inst.

The motion was agreed to.

THE CONTINGENT ACCOUNTS.

MOTION.

HON. MR. READ moved the adoption of the second report of the Committee on Contingent Accounts.

HON. SIR ALEX. CAMPBELL—This report only deals with the case of one officer, and it seems to me that it would be wiser not to isolate one person and deal simply with him; there are so many circumstances which make the salary of one officer dependent on what is given to others, and render it unfair to take up one case singly, that I think it would be better if the members of that committee will allow this matter to stand over for more consideration and with the view to bringing before them the cases of others whose claims to their consideration are probably equal to those of the officer whose name is mentioned in the report. I am always unwilling to oppose myself—I do not desire to oppose myself now—to the recommendation of a large committee of this House, but perhaps the circumstances have not engaged the consideration of the committee, and they have not thought of the effect which the proposed increase may have on other officers. I think it would be well if this matter were referred back to the committee; I appeal, not in a spirit of opposition, but in a friendly spirit to the gentlemen of that committee to allow the report to be referred back for further consideration.

HON. MR. BOTSFORD—Circumstances have arisen which, in my opinion, render it desirable that further consideration should be given to this subject. I, as one of the committee, think that under the circumstances it would be desirable that the question which is dealt with by this report should have the further and full consideration of the Committee on Contingencies. I need not go further into argument to induce the House to adopt the motion which I intend to make. It will be obvious from the observations which have been made by the leader of the Government. I therefore beg to move, as an amendment, that the report be referred back to the Committee on Contingencies for further consideration.

HON. MR. MILLER.—I think I was the person who seconded, on the Committee, the recommendation which is contained in the report we are now asked to adopt, and I frankly concede that there is a very great deal in the remarks that have fallen from the Minister of Justice and the hon. gentleman who has made this motion, and who also was the member of the committee who made the motion which I seconded. I do not wish, however, to have it understood that I feel that the officer in question, whose salary was recommended to be increased, was not deserving of the recommendation made by the committee, nor, I presume, does the Minister of Justice—in fact he disclaimed any such intention. It is true last year very important changes were made on the staff of the Senate, and at the present time it is in quite an incomplete condition. It will be necessary at some very near day to consider the whole question of the salaries of our staff when we are filling up vacancies which now exist in consequence of promotions, deaths, ill health and other causes. Under those circumstances perhaps it would be as well to refer back the report to the Contingent Accounts Committee for

further consideration in connection with the general subject. For my part, as a member of the committee, I willingly second the motion which has been made.

HON MR. BELLEROSE.—While I know of no officer of this House who is more deserving of consideration than the gentlemen whose name is mentioned in this report, I think the position has been occupied by gentlemen in the past who have not received as high a salary as his. This alone would be a good objection to this report, but the strongest argument is this: There are officers of this Parliament who have been in the service since Confederation, and who at the time of Confederation had for years been servants of the Government of old Canada, who are amongst the best officials employed by this Parliament. An increase of salary for some of these officials has been asked for, but we have not heard whether that request has been granted. It would be unusual to increase the salary of one official before the House is informed what will be done in these other cases, which present stronger claims, because I consider the past services are strong arguments in favor of an increase. In a few days hence I shall with pleasure vote for estimates in which I find that the Government have decided to increase the salary of the Warden of Kingston Penitentiary, and asking Parliament to empower the Government to increase the maximum salary which he now receives. We also have, in the employ of the Senate, old officers whose salaries should be increased before we take up the case of gentlemen who occupy less important positions. The gentleman whose name is mentioned in this report, holds office under another, and is not responsible for all the money that passes through his hands while the clerk is. Other institutions, the penitentiaries for instance, have an accountant through whose hands a great deal of money passes for which he is responsible and who has to give security, and he is paid a thousand dollars. I believe that every man should receive what he is entitled to. I am glad that this report is to be referred back; I have no objection to it only I think we should let it stand until we can see what will be done in other cases.

The motion was agreed to.

INSOLVENT BANKS ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (L), "An Act respecting insolvent banks, insurance companies, loan companies, building societies, and trading corporations."

He said: The Act which it is proposed by this Bill to amend, was passed two or three years ago, for the purpose of winding up insolvent banks and other companies. It has been first used in the Province of Prince Edward Island, and it has been found there that defects in the Bill exist, under which difficulties have arisen in carrying out orders of the court—there being no provision in the Act for putting them in force, as you would put in force a judgment of a court. This Bill proposes to supply that deficiency, and to enact that every order of the court or Judge for the payment "of money or costs, charges or expenses made under the said Act, shall be deemed a judgment of the court, and shall bind the lands, and may be enforced against the person or goods and chattels, lands and tenements of the person or persons ordered to pay, in the same manner in which judgments or decrees of any Supreme Court obtained in any suit, may bind land or be enforced in the Province where the Court enforcing the same is situated." This provision is taken from the English Act, and it is in pursuance of the ordinary system by which decrees of a Court are of the same force as a judgment, and have the effect which the Bill contemplates. I beg to move the second reading.

The motion was agreed to, and the Bill was read the second time.

PRINTING OF PARLIAMENT.

THIRD REPORT OF COMMITTEE ADOPTED.

HON. MR. SIMPSON moved concurrence in the third report of the Joint Committee on Printing: He said that the expense of printing during the past year had been reduced some $11,000, while in the previous year the reduction had been $7,000, and in the year before that the reduction was about $5,000; a total reduction in three years of some $23,000.

He believed the reduction had gone far enough, and it was intended to spend a little more hereafter. It was desired to have a better class of printing, better binding and paper. It was thought the prices were reduced to a figure below what the contractors could afford, and below what the work was worth. It was probable the expenditure would be increased this year some $5,000 or $6,000, and the distribution list would be increased. The present distribution list, in view of claims made by British Columbia and other Provinces, is not sufficient, and the stock of public documents now in reserve is nearly exhausted. Such is the case more especially with the Public Accounts, and Trade and Navigation Returns, and it is intended before the close of the Session to revise the Distribution List and see what may be required. Out of the grant made last year—$60,000—the committee had used $38,000, and they would probably use from $40,000 to $44,000 next year; but it was the intention to ask the Government still to insert in the estimates the sum of $50,000. The accounts of the committee had been carefully examined both by the clerk of the committee and the Auditor-General, who have certified to their correctness. He moved that the report be adopted.

HON. SIR ALEX. CAMPBELL was glad to know that the printing and binding, as well as the paper used in public documents, was to be improved. The statutes, more particularly, he thought, were not such as should emanate from the Parliament of Canada, while the type, paper and binding were very inferior to what would be found in such publications fifteen or twenty years ago.

HON. MR. MILLER referred to the distribution of the statutes among the magistrates of the country, the cost of which must be enormous. He knew that in Nova Scotia nearly one-half of the population were magistrates, and he presumed that the number printed and distributed was the same there as in other Provinces of the Dominion. These volumes arrive very often at the point to which they are sent for distribution, and never are distributed, becoming so much old lumber; he therefore did not see that the Dominion should be at the expense of providing magistrates, from one end to the other of this Dominion, with these statutes. It was a great abuse, and large sums of money were expended through it. He acknowledged the great economy exercised by the members of the Printing Committee, but thought a wide field was open for them, in the direction he had indicated. The magistracy of the country are only called upon to execute the criminals laws of the Dominion, and every few years, as those laws are consolidated, it might perhaps be well to distribute such consolidated laws to the magistrate, but it did not seem right to send these volumes to men, three-fourths or seven-eighths of whom, in his opinion, did not read them. A few copies might be sent to the principal offices of the county—perhaps a dozen—such as the sheriff, custos, warden, or even to each of the councillors of the corporation, and a few other municipal officers in the county.

HON. MR. MACFARLANE said it should be borne in mind that magistrates occupied the position of justice of the peace throughout the Dominion and had very important duties to perform. They had not only to execute the criminal law, but it was often necessary for them to carry out the provisions of the law for the protection of the revenue; and there were other instances in which they had to act. They had to deal with matters affecting the customs, and many of the officers of customs at small ports are not very well qualified to give information. It would not be a wise economy to withdraw the statutes from the magistrates, many of whom are very intelligent and perform important functions in the district where they live. When striking off these books it did not entail a very heavy outlay to distribute this additional number. As a member of the committee he could say that much attention had been given to the distribution of a large variety of other public documents, all tending to spread throughout the Dominion the valuable information contained in them, and while many of these volumes are probably piled up in garrets and other places it would not be well materially to reduce the number now printed.

HON. MR. BELLEROSE said it would be difficult to dispense with the distribution of the statutes, as magistrates not only have the power, but may often be forced to exercise it, to enforce these laws, and as they receive no pay it would be hard to oblige them to buy the statutes. In the Province of Quebec many magistrates are appointed who are never sworn in, and it is dificult to say who really are magistrates, but they all receive the statutes. If enquiries were made at Ottawa as to who were and who were not sworn in, and if the statutes were only sent to those who were so sworn, the number distributed would be much lessened; but that was the only way in which a saving could be properly effected.

HON. MR. KAULBACH, while aware of the economy which had been practised, was of much the same opinion as the hon. gentleman from Cumberland, (Mr. Macfarlane,) and considered that magistrates should not be deprived of the statutes; they being frequently applied to in their different localities for information upon the law. In the Province of Nova Scotia it would be the exception to find a magistrate who was not sworn in. In his opinion it would be false economy to deprive the magistrates of these statutes, and the additional number was really not a large item of expenditure.

HON. MR. MILLER had heard nothing in the argument, adduced which would change his opinion on the subject, to which he had given some attention, but felt that the opinions expressed would be properly considered by the members of the committee. It was comparatively rare that a magistrate was called upon to perform the duties of a customs officer. There was all over the country a sufficient staff of customs officers paid by the country, and in the country from which he came there was hardly an instance where a magistrate found it necessary to inform anybody as to the requirements of the revenue law; the officers are quite sufficient for that duty. A magistrate's duties are chiefly confined to the functions of a justice of the peace—a conservator of the peace—and by distributing to them every few years a consolidation of the criminal laws all the wants of the country would be met, and much money would be saved by the change.

HON. SIR ALEX. CAMPBELL—The attention of the Government has been called to this subject, and some rules were last year framed in connection with it which I suppose to be in force now, though I do not know that they have been carried out. The idea was that the distribution of statutes to magistrates should include only the criminal statutes and certain statutes of general information bearing upon the duties which magistrates must discharge. In that way a very considerable saving could be made, and I think that is the rule now; however I will inquire, and mention it again in the House. Officers who are employed in connection with the customs get the customs laws in pamphlet form, so there is no difficulty in that respect.

HON. MR. MACFARLANE—I did not allude to customs officers especially, but referred to many instances in which magistrates have been obliged by customs officers to interfere and enforce collection of revenue under the law, and said that for the proper performance of their duty in such a case, it was absolutely necessary that magistrates should have these statutes.

HON. SIR ALEX. CAMPBELL—Of course it would not be fair to impose upon gentlemen magisterial functions without pay, and often entailing a great deal of trouble, and not give them the statutes which would enable them to discharge their duties intelligently; but I understood my hon. friend from Cumberland (Mr. Macfarlane) to say that they had certain duties as customs officers.

HON. MR. MACFARLANE — You misunderstood me.

HON. MR. MILLER—As a dernier resort, where there are no officers.

HON. MR. SIMPSON stated that the committee found it difficult to arrive at a proper mode of distributing their documents; for instance, wishing to exchange documents with the Province of Nova Scotia, it was difficult to know to whom they should be sent. The committee had taken much trouble, and were now

pretty well acquainted with what ought to be done, and were doing their best to distribute economically and properly. In Ontario the statutes are sent to the clerk of the peace, and they are only distributed to qualified magistrates, whatever may be the practice in other Provinces.

The motion was agreed to.

PROTECTION OF SETTLERS BILL.

SECOND READING—POSTPONED.

The Order of the day having been called for the second reading of Bill (M), "An Act for the protection of settlers on Dominion lands in Manitoba and the North-West."

HON. MR. REESOR said, I do not know that I shall press the second reading to-day, although I regard this matter of the law relating to the North-West Territories as one of the most important that are likely to come before us during the present Session. I see that in another place a Bill has already been introduced by the Government to consolidate the laws relating to the Dominion lands in Manitoba and the North-West. That Bill makes some very important changes and some valuable improvements upon the old law, but it nevertheless, leaves some matters, also of a very important character, not provided for. I hope the House will consent to the postponement of the second reading of the Bill, as I do not at all desire to assume the responsibility of pressing the measure when the Government have a Bill upon the same subject, and intend to adopt such amendments as will meet cases that have arisen and are continually arising in connection with the settlement of lands in the North-West. It is an exceedingly important question, and thousands of people there have been made to feel and are feeling the importance of it in a marked and practical manner. Those who have friends going to the North-West to settle as well as those that have gone themselves, have felt very strongly the operation of the present law. I do not attach blame to the present Government for the evil effects of the bad law which is in existence, because it is almost substantially the same law that was in existence before the present Government came into power, and therefore no blame can be attached to me as desiring to interfere with a Government measure; there is nothing of that kind, there is no party question which I can see could possibly arise in connection with this measure, as I feel it is the desire of both parties, as nearly as possible, and before the Bill finally passes, to provide against all evils which have arisen and which are likely to arise in connection with these lands; the experience of the past showing how these provisions may fairly be made. Without that experience we could not have had the intelligence and information which we now can bring to bear upon this measure. The granting of homesteads to settlers is given as a kind of bonus to those who are willing to forego the advantages of living in an old community, where they have all the comforts of civilization and all the institutions of a more advanced condition of society. They are given free grants for the mere fee of $10, but this is not a patent given in the shape of alms. It is not granted as to a poor person who is begging for aid; not at all in that sense. It is given as a bonus to induce men to endure the hardships and privations which must be borne in connection with the settlement of that country. And we know that these hardships are sometimes of a very serious character. Nothing else could be expected in a region where the soil, although magnificent and most productive, is a vast extent of prairie country on which but little fuel is found, and where the winters are exceedingly cold—the thermometer being liable at almost any time during the winter months to go down to forty or fifty degrees below zero. It is very clear that a settler must be induced to go to such a country, otherwise he will not risk not only losing his health, but his life. The present law has made it incumbent on all those who take what is called a "Free Grant," or "Homestead," to reside upon that homestead for six months during the first year, and six months during each year thereafter, making up a term altogether of three years. Let us take an illustration of the difficulties that at once present themselves. Pamphlets are distributed, and newspapers are scattered in all directions, advocating the advantages of the North-West; nearly every home in Canada is filled with information in regard to the advantages of

that country, and the benefit of having a home there, without taking into account the onerous conditions imposed upon them. The test of personal residence is made a primary condition, and let us see what the effect is. A man goes out during the summer, and may have travelled one or two thousand miles altogether from the old Province; he goes to different portions of the country, and finally selects a place where he would like to live; he enters for a homestead, and he has then six months in which to prepare for taking up his residence there. When you consider the long distance that the party may be from home, and the uncertainty as to whether he will like the country, you place him sometimes in an exceedingly awkward position if you make it a condition that he shall, within six months after going there, become a resident, in order to secure his homestead. However, he goes to the land agent and having made entry for a homestead, his first object would probably be to give a contract to build a house, if he is not competent to construct one himself. The next thing would be to get a portion of the land cultivated. Well, supposing he succeeds in both of those, he can scarcely get back to his home and take his family up there within the short time he will have, to be exposed, perhaps, when he got there to all the rigors of that clime, in a house that is ill-fitted for living in; yet for fear of losing his land and forfeiting his claim, he undergoes extreme hardships. And when he goes there what does he do? He is there in a condition of enforced idleness during several months, he is unable to do anything further than consume the provisions that he may have to keep him there, and has to expend his means for fuel, for which he may have to go several miles; so that the conditions are very hard and many people become discouraged, finally abandoning the country. They thus do no good to the country but there is a double loss, a loss to themselves, for their labor is lost, and a loss to the country, for the loss of labor is to a certain extent the country's loss, and then there is the loss of money which would have been expended by these people in purchasing goods and so paying to our revenue. There are instances where parties have suffered exceedingly, for instance, where they have been frozen to death, during the past winter. I have received letters to that effect, and I was glad to find, upon inquiry at the office here in Ottawa, that so anxious have the Government been to prevent that sort of unnecessary suffering, that they have taken upon themselves the responsibility of postponing the time during which parties may go there to enter into possession of the land, and commence erecting their houses. However, that came so late that many persons knew nothing of it, and I suppose up to the present time it is comparatively unknown. Then let us look at another phase of this matter. If a settler leaves his homestead within six months, if it happened to be in a good locality—in a desirable place, perhaps not far from where supplies could be obtained, or near a post-office or mill, or near a proposed or existing railway—there are men called claim-jumpers ready, if he should leave his place, at once to make application and take his property from him. That, I am also glad to learn has been, with a good deal of effort, changed. From the reading of the law, or perhaps a straining of the law, but I think it is a straining in the right direction, that has been prevented by the Department for the present, and the new Bill does make some provision to prevent it in the future; but still there are other cases of exceeding hardship that the new Bill does not make provision for, and which I sincerely hope the right hon. gentleman who has it in charge will be induced to make additional provisions to meet, before it comes up to this House. For that reason I am disposed, after making some explanations, to ask leave to postpone the second reading of my Bill. The principal provision that is set forth in the Bill, I have had the honor to introduce to the House is this: that where a party cannot fulfil the conditions of residence, from various causes, but where he does fulfil much larger conditions of improvements, I say that he ought to be allowed to continue and complete those improvements, under his patents, just as well as though he went there in person, provided that he puts a settler there in his place. Now I will mention a case that might occur, and it is only one of several that have occurred; a man goes into a neighborhood and makes a purchase of some land—for very few of our Canadian farmers but desire to place

their sons in a good settlement, and would prefer not sending them away off on the wild prairie to undergo the hardships of the first settler, and also to run some little risk as to what may prove to be the character of the soil, its productiveness, its freedom from frost, and other causes—well, such a man going into a neighborhood that has been already settled, cannot get a title to the land in the shape of a patent, because no one perhaps has been upon it, or it has only been settled two or three years. He cannot get an assignment of the homestead because the law does not allow a man to make an assignment. But the law does not prevent a man abandoning his homestead, and he may do so for a consideration; if the place has been improved, if it is near a village, store or church, he would want to be paid for abandoning it. Now that practise has been recognised and allowed by the Government, parties have paid large sums in order to prevail on those settlers to abandon their homesteads; they have taken the improvements and taken upon themselves the duty of completing the settlement conditions and residence. It would not be a very great hardship for many persons to spend six months during the summer season on a homestead lot, and so a man makes a purchase of a lot and is allowed to enter it. He gives a contract to put up buildings and makes large improvements, may be to the amount of three or four thousand dollars; he then returns home, he may be sick, or he may die, and under the law as it stands if he should die or if he should never be able to go back, those improvements are forfeited to the Crown and may be re-sold to anyone else. That I think is a most unjust condition.

The SPEAKER.—He may have left heirs.

HON. MR. REESOR.—My hon. friend says "unless he has left heirs." Well supposing he has, perhaps they are young children, who are unable to go there and live six months, so that the situation is just the same. That principle in the statute is clear, and distinctly declares the law to be forfeited; it does not say that the Minister of the Interior may declare it to be forfeited, but it says it shall be forfeited, and the Minister of the Interior may afterwards sell the improvements to any other party, and allow that party to enter it, or he may sell the land himself. Now I desire that the law should be amended in that respect. I may be met with the statement that it would be interfering with the principle of the Bill; the principle is residence. I beg to inform hon. gentlemen, that while the principle is residence applied to particular parties, there are other parties to whom it does apply, and I should like to know why there should be such distinction? For example, take settlements where the parties live in villages like the Mennonites. They get a grant of a homestead and they are not obliged to live upon or build upon that homestead. They are obliged to cultivate it, and may do so. That is all right. They may build or live in their villages, but each party who enters a homestead is not obliged to have a residence in the village. He may live with his father or with his mother-in-law, and can go on and cultivate his homestead, take off his crops, and may then spend as many months between the period of putting in his crops and taking them off as he can spare. It may be nine months in the year, and he may be occupied sometimes in other employments. He can take a contract to get out ties for a railway company, or can go to the lumbering regions and work in the logging camps. He is allowed to earn money and is not subjected to that kind of enforced idleness which is the case with those who come from Ontario or any of the older provinces. They have duties imposed upon them which do not fall to the lot of those who live in the villages of which I speak. Then there is another class, a very dishonest class, with whom honest men have to compete. The duties have been so onerous that—living six months in a sort of hovel that may be hastily put together—many who enter those homesteads, that is the speculative and dishonest class of homesteaders, scarcely live there at all. They may spend a few nights there, but they will go and live together in the villages and at hotels or boarding houses, and occasionally drive out and look at the little shanty they have put up; and when the time comes round, they will swear that they have occupied that homestead according to the terms of the Act; and they will find others, who are just as

guilty as themselves, to back them up and swear also to confirm their oath. They will help each other in that way and finally they get their patents; you go along there the next year and you see a little tumble-down shanty with perhaps five or ten acres under weeds. It is not under cultivation, it was taken purely for the purpose of speculation. Hundreds of farms can be found in that condition, patented in that way, in Manitoba and the North-West, during the last two years. I know the Government are most desirous to prevent that sort of thing, and they have introduced at least one clause that will go a long way towards prohibiting it, but I merely say that they should go further and prevent it effectually; and while they do that they should at the same time allow such conditions to be put in as would save others from having their property sacrificed. For, as I mentioned in the case of the Mennonites, it is on a new principle that the improvements should be accepted, and a party entering this homestead allowed to live on his place just as many months as he pleases in the year, but in cases such as I first mentioned where it is impossible for him to live there at all, if he puts another settler there that he should not lose his property. These are all the conditions I ask, and I do most sincerely press them upon the Government. I may be assured that since the Government have provided in their measure that there shall be no more jumping of claims (a most excellent provision) a man's property can only be sacrificed by the action of the Government itself. Now, there should be some limit to that power and that control, particularly when the statute says, that except certain conditions are performed the property shall be forfeited. I say when it is put so unconditionally as that the law ought to be amended so as to take away that imperative condition which no man can perform, and which I am quite sure the head of the department does not desire to enforce. With these remarks, hon. gentlemen, I ask the privilege simply to have the Bill stand in the meantime, and to be allowed to move the second reading at a future time, with the hope that before I do so the Government measure will reach this House.

Hon. Mr. KAULBACH—I think that a discussion on the merits of this Bill at present would be premature, as there is a measure before the other House on the same subject, and I hope my hon. friend will not ask for the second reading of his Bill until we know something of the other. They might contain provisions which would be conflicting. This Bill is of very great importance, inasmuch as it proposes to strike at what we have considered as an essential part of our policy in dealing with the public lands—that is, the settlement of the country. I think it would be well, therefore, to defer the second reading for some time.

Hon. Sir ALEX. CAMPBELL.—The hon. gentleman asks to defer it until the Tuesday after next.

The SPEAKER.—Before putting the question, I desire to say a few words on this subject, as I have had a good deal to do with the administration of the Dominion lands. I have no intention of following the hon. gentleman in a general discussion of the question, but would like to put what I believe to be the policy and intention of Parliament before the House, because I think the hon. gentleman misapprehends that in so far as homesteads are concerned. The object of Parliament, as declared in the Homestead Act, is to give homesteads to men who have not homes—to poor men. The policy of the Administration is to protect the poor man—the poor homesteader—in the possession of his homestead, and to do all in their power to check what are called speculative homesteaders, that is, men of means who employ persons to go out, and affecting to be homesteaders, take possession of homesteads and keep them for the minimum time specified in the Act, probably even less; and represent themselves as being entitled to the land at the end of the time, and in other ways frustrate the object of the law. Now, the course which the hon. gentleman recommends is one that would further the ends of the speculator and defeat the object which Parliament had in view in reserving homesteads for the poor man. The *bona fide* homesteader does reside on his homestead as long as he can. He may, and often does leave for six months of the year to work elsewhere, probably to return

to the Province from which he moved to bring his family and stock to his new homestead with him. He is allowed six months of every year to do that, and if the six months should elapse at an inconvenient season of the year, as it may during the winter, provision is made in the Bill before the other House to extend the time to enable him to arrive on his homestead before the middle of May, but residence is necessary for his protection. The person who can afford to make large improvements, such as the hon. gentleman speaks of, is the speculator, and if you allow him to put somebody in possession nominally as a homesteader, but really as a *locum tenens* of the speculator, as a matter of course the *bona fide* homesteader does not receive the protection and consideration which it is the intention of Parliament to give to him. He cannot make costly improvements. He goes there and puts up a small house, he may have to borrow the money to do it, he sometimes lives in a tent with his family; he earns his homestead by residence, but the speculator would send persons to make costly improvements if that would entitle him to a homestead. That is contrary to the policy of the country, and I think it would be very unfortunate if such a feature should be engrafted upon the Act. I think the House will see that the hon. gentleman has misapprehended the policy of the country with respect to the *bona fide* homesteaders. The hon. gentlemen has said that it would be well to allow people to reside in communities, in villages, and not compel them to reside upon their lands, and instances the case of the Mennonites. Now the hon. gentleman knows that the Mennonites are a peculiar community, and it was only because they asked to be allowed to live in that way and because they hold the proceeds of their farms in common that they were allowed to do so. It was a matter of agreement before they came here that they should be allowed to live in that way, and that has not been extended, and I do not think it is desirable that it should be extended to any other community. At the same time provision is to be found in the existing law allowing persons to live in hamlets during the winter. If persons wish to leave their homesteads and go to adjacent villages during the winter, they are allowed, under certain circumstances, to do so. The hon. gentleman says there should be a provision to prevent jumping of homesteads. I would be very glad to have some provision that would prevent that; all that the Government can do in that direction will be done, but whether it will be entirely successful or not I cannot say. The hon. gentleman also charges the homesteaders up there with very extensive perjury. It is quite possible—I dare say it is true that there is a good deal (if I may coin a phrase) of patent perjury—perjury for the purpose of acquiring patents; it exists to a greater extent than I would like to see, but I hope not to the extent the hon. gentleman supposes. These are the points on which I wish to remove any misapprehension. When the new Bill comes up an opportunity will of course be afforded for the discussion of the whole subject, and I think that will be the time to deal with it, but on these two or three points I thought the House should not be left in doubt.

HON. MR. REESOR—I think my honorable friend has misapprehended me. I do not desire to encourage speculation, but I maintain that a party who comes to that country and expend five or six or eight hundred dollars in developing a farm is not a speculator. I maintain further that if you make such improvement a condition, a class of farmers who are able to do it will enter there, who will be able, in cases of emergency, to help the poor man who is now left to nearly freeze or starve, or run the risk of losing his property altogether. I maintain that labor and capital ought to go together in the cultivation of the lands of the North West. They are just as essential there as in developing manufactures. The principle that I speak of is recognized by the Government in various transactions that they have engaged in during the last three or four years. Is it speculation, or what is it that has induced the Government to sell lands to colonization companies? I am not blaming them for it; I do not say they are doing wrong; but they do not require the members of those colonization companies to live personally on their property. It suits the Government if they put a number of settlers upon each quarter-section; they get a rebate from the purchase money if they do that.

The SPEAKER.—They purchase the odd numbered sections.

HON. MR. REESOR.—They are required also, as I understand it, to put settlers upon even numbered sections. The settlers they put there may leave and the company is allowed to put others in their place. It does not require a residence of a particular party so long as there is a settler there and so long as the improvements are made; that seems to be the object of the Government and the policy of their action in the matter, and yet if a private individual does the same thing they say it is not the policy of the Government or of the statute to allow it. I should like to know why a person who is able to buy a whole township should have these privileges while a person who buys five or six hundred acres is not allowed them? I know a case where a person has brought one hundred acres of the 160 under cultivation, where two dwelling houses have been erected, where the settler has been living on the farm and 40 acres of grain were cultivated last year, yet because the party who entered the homestead has only been able to live three months upon it within the year, the lands and improvements are liable to be forfeited according to the law as it stands if anyone chooses to apply to the Department to have them so declared. All the money, labor and energy spent is forfeited, although he is not a speculator but intends it for his home. I maintain that it is utterly preposterous to assume that he is a speculator. There is not a shadow of evidence to show it. It is a strange thing that there should be conditions imposed upon a party which injure every man, the poor as well as the rich.

HON. MR. BOURINOT rose to a point of order. The hon. gentleman had already spoken on the subject, and his remarks were now out of order.

The order was discharged and the second reading fixed for the 18th instant.

PENITENTIARY LAWS CONSOLIDATION BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (J) "An Act to amend and consolidate the Laws relating to Penitentiaries."

He said that the law relating to Penitentiaries is to be found in thirteeen different acts, and many inconveniences have resulted. This Bill was to consolidate the different acts. There was very little new in the Bill, and that he would explain when the Bill was in committee.

HON. MR. BELLEROSE suggested an amendment to the 20th clause to include the chief keeper, the storekeeper and the steward of penetentiaries among those officers who are on the superannuation list.

HON. MR. POWER regretted to observe from the introduction of this Bill that the Minister of Justice was not hopeful that the consolidated statutes would be laid before Parliament at an early day.

HON. SIR ALEX. CAMPBELL also regretted it, but it was a long work. He hoped by next session that the criminal portion would be ready, but he saw no prospect of having the whole of it.

HON. MR. MILLER—This is so much done towards consolidation.

The Bill was read the second time.

THE PRINTING OF PARLIAMENT.

FOURTH REPORT OF THE COMMITTEE ADOPTED.

HON. MR. SIMPSON moved the adoption of the fourth report of the Committee on Printing. He explained that it was one of the usual reports.

The motion was agreed to.

BILLS INTRODUCED.

Bill (19,) "An Act to incorporate 'Les Révérends Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest'" (Mr. Girard).

Bill (49,) "An Act to incorporate the Dominion Phosphate and Mining Co.

Bill (10,) "An Act to provide for the amalgamation of the Bank of Nova Scotia with the Union Bank of Prince Edward Island." (Mr. Power).

Bill (46), "An Act further to amend the Act relating to Banks and Banking, with the several acts amending the same." (Sir Alex. Campbell.)

Bill (22), "An Act respecting the Credit Foncier Franco-Canadien."

Bill (23), "An Act further to reduce the capital stock of the Quebec Fire Insurance Co." (Mr. Pelletier.)

Bill (N), "An Act respecting certain offences against the state." (Sir Alex. Campbell.)

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Friday, 6th April, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TITLES TO LANDS IN MANITOBA.

MOTION.

HON. MR. GUEVREMONT moved:

"That an humble address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all correspondence between the department of Crown Lands, at Winnipeg, or the department of the Interior, and parties claiming lot No. 133 of the Government survey, or any right thereto, situated in the Parish of Ste. Agathe, in the County of Provencher, in the Province of Manitoba; also copies of all Orders-in-Council or of the department of the Interior, relating to the said lot, or to those who may have claims upon the said lot."

He said: The case to which I refer in this motion is that of an inhabitant of Sorel who went to Manitoba to live, and purchased the property mentioned in my motion from two brothers of the Crown Lands Agent there, paying them therefor $1700. He has improved the property and constructed buildings to the extent of a thousand dollars more, and now he finds that the property does not belong to him. This question of titles to lands in Manitoba is not a new one. The subject was before the House yesterday, and a Bill to meet cases of titles to lands in Manitoba and the North-West Territories was held over for consideration at a future day, because a measure dealing with that subject is now before the House of Commons. I hope the Government will give it their serious consideration, and endeavor if possible to take such precautions as will prevent such injustice being perpetrated in the future. The name of the individual to whom I have referred as the purchaser of the lot in question is Olivier Péloquin.

HON. SIR ALEX CAMPBELL.—I am not able to follow my hon. friend into a discussion of the merits of the claim to which he has alluded, because I did not know of its existence; but when the papers come down I hope he will find that no injustice has been done to anyone: at all events, if injustice has been done, we will endeavor to remedy it. There is no objection to the address.

The motion was agreed to.

ONTARIO & QUEBEC RAILWAY BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (27) "An Act to amend an Act to Incorporate the Ontario and Quebec Railway Company."

He said: This is a Bill from the House of Commons, the object of which is to give the Ontario and Quebec Railway Company power to make certain arrangements to unite their railway with the Credit Valley Railway, and also to give them running powers over certain railways mentioned in the Bill, and also powers of amalgamation with certain railways, and also, by the assent of a two-thirds majority of the shareholders to issue debentures in substitution for the bonds authorised by their act of incorporation.

The motion was agreed to, and the Bill was read the second time.

CRIMINAL CASES ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (83) "An Act

to amend the Act respecting procedure in criminal cases and other matters relating to criminal law."

He said: The occasion for this Bill has arisen in New Brunswick. A Corporation, it seems, cannot be called upon to appear by Attorney; nor can they, if they are willing to do so, appear before a Court of Oyer and Terminer; and cases which arise in those Courts, the Circuit Courts, &c., must be taken up before the Court of Queen's Bench before they can go on. This Bill has been drafted to avoid that difficulty, and to enable the Courts of inferior jurisdiction, or this Court of Oyer and Terminer, to insist on Corporations which may be indicted (for having a bad bridge, for instance), appearing by counsel to plead against the indictment which may be preferred against them. The Bill has the advantage of having been prepared by the Chief Justice of New Brunswick.

The motion was agreed to, and the Bill was read the second time.

CITIZENS' INSURANCE COMPANY'S BILL.

SECOND READING.

HON. MR. BELLEROSE moved the second reading of Bill (67) "An Act respecting the Citizens' Insurance Company of Canada."

He said: This Bill ought to be in the hands of the hon. member for Alma: in his absence I took charge of it. The object of the Bill is to reduce the capital stock of the company.

The motion was agreed to, and the Bill was read the second time.

SASKATCHEWAN UNIVERSITY BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (8), "An Act to incorporate the University of Saskatchewan, and to authorise the establishment of colleges within the limits of the Diocese of Saskatchewan."

He said: This is a Bill from the House of Commons for the establishment of a university at Prince Albert, and a college in connection with the university. There is no test imposed to the granting of degrees, except for theological degrees.

The motion was agreed to, and the Bill was read the second time.

INSOLVENT BANKS AND TRADING CORPORATIONS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (L), "An Act to amend 'An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies, and Trading Corporations.'"

HON. MR. BOYD, from the Committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

PENITENTIARY LAWS CONSOLIDATION BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (J), "An Act to amend and consolidate the laws relating to Penitentiaries."

HON. MR. McCLELAN, from the Committee, reported the Bill with an amendment, which was concurred in, and the third reading was fixed for Monday next.

BILLS INTRODUCED.

Bill (75), "An Act to incorporate the board of management of the church and manse building fund of the Presbyterian Church in Canada, for Manitoba and the North-West." (Mr. Wark.)

Bill (63), "An Act to amalgamate the Presbyterian Ministers', Widows' and Orphans' Fund in connection with the Presbyterian Church of the Lower Provinces, and the Widows' and Orphans' Fund of the Presbyterian Church in the Maritime Provinces, in connection with the Church of Scotland, and to create a corporation to administer such funds. (Mr. Bourinot.)

The Senate adjourned at 5.35 p.m.

THE SENATE.

Ottawa, Monday, April 9, 1883.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

AN INSOLVENT ACT.

INQUIRY.

HON. MR. MACDONALD inquired whether it is the intention of the Government to introduce an Act during the present session of Parliament for the equitable distribution of the estates of insolvent debtors.

He said: My reason for asking this question is that the Board of Trade of British Columbia have petitioned for an Act of this character.

HON. SIR ALEX. CAMPBELL.—It is not the intention of the Government to introduce such a Bill this Session. A measure dealing with the subject is now before the other House, having been introduced by a private member. What the fate of that Bill may be I cannot say, but it is not the intention of the Government to introduce such a Bill.

THE SOURIS BRANCH OF THE PACIFIC RAILWAY.

INQUIRY.

HON. MR. REESOR inquired whether the Government are able to give any information as to the progress that will be made, during the present year, by the Canadian Pacific Railway Company towards completing their south-west branch to the coal fields of the Souris River.

HON. SIR ALEX. CAMPBELL—When the hon. gentleman proposed his question before, I said I was not able to answer it, but if he would postpone the enquiry I would endeavour to procure information. I wrote accordingly the following day to an officer of the Pacific Railway Company, and they cannot give the information for which the hon. gentleman asks, with reference to the extension of the South-West Branch. He says that the policy of the Company is to defer, where that can be done, the construction of branch lines, centering all their energies on the completion of the main line.

PENITENTIARY LAWS CONSOLIDATION BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved that Bill (J), "An Act to amend and consolidate the laws relating to penitentiaries" be referred back to a committee of the whole House for the purpose of making certain amendments.

The motion was agreed to.

HON. MR. MCCLELAN from the Committee, reported that they had made some progress with the Bill and asked leave to sit again on Wednesday next.

BANK OF LONDON BILL.

SECOND READING.

HON. MR. LEONARD moved the second reading of Bill (29) "An Act to incorporate the Bank of London, in Canada."

He said—This Bill, after leaving the House of Commons, comes under our consideration; I have only to say that it is an exact copy of two or three statutes passed last year. I therefore beg to move the second reading.

The motion was agreed to and the Bill was read the second time.

MANITOBA AND NORTH WESTERN FIRE INSURANCE CO.

SECOND READING.

HON MR. DE BOUCHERVILLE in the absence of Mr. Girard, moved the second reading of Bill (24) "An Act to incorporate the Manitoba and North Western Fire Insurance Co.

HON. MR. MILLER—A question of order arises here, which I think ought to have the attention of the House. Under the rules of the Senate no private bill can be introduced here until the application is reported upon by the Committee on Stand-

ing Orders, and unless the Committee report that the conditions are complied with, or recommend the suspension of the rule, no bill can be introduced. This is a bill from the Commons, and under the rules of the House was introduced as a Private Bill; it comes up here, and, if it has not gone through the ordeal of the Standing Orders Committee, it should be referred to that Committee to report upon. Now, when a Bill comes up here the House is not made aware of the fact whether or not the Standing Orders Committee have reported upon that Bill, and unless somebody calls attention to it the House has no means of knowing whether it is the case or not. The usual course is, when a Bill comes up it goes through the first reading, and then as a matter of course, somebody moves the second reading of it. We had to-day a case before the Private Bills Committee, to which I raised an objection, which was sustained by the Committee, and that Bill had not been reported upon by the Standing Orders Committee of this House; still it had been sent to the Standing Orders Committee, under a rule of the Senate to be reported upon. Now the Bill was down on the orders of our House for the second reading on Tuesday, and that Bill could not be taken into consideration by the Standing Orders Committee without superseding the order of the House; there could be no two orders at the same time, in regard to the same bill. That bill having been sent down by the House for a second reading on a particular day, of course was only subject to that order, and could not be subject to any other; it could not be considered. The Standing Orders Committee was not seized with the bill, as a Committee. They could not go out of their way to take that bill from the position in which the House had placed it for the second reading for to-morrow. Under these circumstances there was nothing to be done but to allow the bill to stand over until the second reading came up to-morrow, and then as it had not been reported upon, a motion could be made that the bill be not read the second time, but that the order be discharged and that it be sent back to the Standing Orders Committee, to be reported upon as the Standing Orders Committee. This was the only course open to the committee, and I think it was a proper course and it was so unanimously decided. But it is a very wrong course and one that should not be rendered necessary. There are one or two ways, perhaps, which I intend to suggest to the House, in which those difficulties might be met. In the first place, it might be made compulsory upon the gentleman who takes charge of a bill coming from the other House, to satisfy the House, before the order for the second reading passes, that the bill has been reported upon by the Standing Orders Committee. If the House should signify as its intention that, before any bill coming up from the other branch of the legislature should be read a second time, before this House would set it down for reading on a particular day, the gentleman who made that motion should be compelled to satisfy the House of the report of the Standing Orders Committee, if he did not, then that it should go to the Standing Orders Committee. That course would be in the interest of the person being in charge of that bill, because it would directly go before the Standing Orders Committee, and the necessity for taking the round-about course followed with reference to the Bill that was before us to day, would be avoided. Another course might be adopted; the House might say that a Bill should be set down for the second reading on a particular day, without the reference which the Standing Orders require and when the motion was made for the second reading, that then the gentleman in charge of the Bill should be obliged to inform the House whether it had gone through the ordeal of the Standing Orders Committee, before the House would entertain the second reading. Some such course is necessary to prevent Bills going through this House, that have not been reported upon at all by the Standing Orders Committee, and I throw out the suggestion in order that the Honorable Minister of Justice may take into consideration, and see what is the best course to adopt for avoiding a difficulty which is occurring daily and which occurred to-day before the Standing Orders Committee with reference to the bill, of which the second reading has now been moved. Of course if it had not been reported upon by the Standing Orders Committee, a motion should be made that it be referred

to the Committee on Standing Orders now, to be reported upon as the Committee on Standing Orders. It would save trouble, and would be the proper and more regular course. I think no gentleman should take up a bill coming from the other House and move its second reading here, unless he is in a position to assure the House that that bill has already gone through the Standing Orders Committee of the Senate, because it has to be reported upon by the Standing Orders Committees of both Houses.

Hon. Mr. de BOUCHERVILLE—If there is any doubt about this Bill having passed through the usual course, I would perhaps be only doing well in asking that I might withdraw my motion for the second reading, and leave the Bill to be dealt with by the hon. gentleman who has it more immediately in charge, on his return.

Hon. Mr. VIDAL—It is not often that I venture to differ in opinion from the hon. gentleman from Richmond (Mr. Miller) on a question of this kind, but I must confess I am unable to read the rule of the House as he does, or to give it the same interpretation. It appears to me that our rules make provision for private bills brought here just in the way which has been done in the case of which the hon. gentleman from Richmond complains. The rule of the House does not say that a Bill should not be read the second time until it has first been reported upon by the Committee on Standing Orders, but it says that it shall be first reported upon by that Committee before it is submitted to the consideration of any other Standing Committee. That is the limit, but a Bill can be sent to any Standing Committee for their consideration, which has been reported upon by the Committee on Standing Orders, the same as though it were a petition. It appears to me that it would be exceedingly inconvenient if, on Bills being brought into this Chamber, and being read the first time, no person dare to move the second reading on any future day, until he had taken the trouble to ascertain all these particulars as to whether it had been reported upon or not. I think sufficient provision is made in the rule of the House as it now is ; a day is appointed for the second reading, but before that Bill can be read the second time it should be subject to the decision of the Committee on Standing Orders and Private Bills. I believe no inconvenient result has ever arisen from the course that has been pursued, and moreover it is known to most hon. gentlemen that the Chairmen of the Private Bills Committees of both Houses are in conference to see if it is not possible to adopt some rule by which all those little difficulties will be entirely avoided ; that is, to have one report upon the sufficiency of the notices in the papers agreed upon by a joint committee of the two Houses, or by clear and distinct understanding that if it had been accepted by one House it should not be questioned by the other. I trust some arrangement of this kind will be made before the close of the present session, so that we shall have no cause in the future to raise a question such as has been discussed today.

Hon. Mr. MILLER.—The discussion may be useful in consideration of the position of the question, as it is likely to engage the attention of a Committee of both Houses before the session closes, and for that very reason I will draw attention to this point. I cannot at all agree, however, with my hon. friend (Mr. Vidal) in regard to the construction which he has placed upon the rule of the House. It is true we have a rule of the Senate which says, that after a Bill was read the first time, it shall go to the Standing Orders' Committee of the Senate, to be reported upon if the petition asking for the Bill has not already been before that Committee. Now, that is a provision made by the rules of the House, but it does not follow as a matter of course that the Bill will go to that Committee, unless a motion is made to refer it to them. The rule itself is not a living active thing that will take hold of a Bill and take it before a Committee whether there is a motion made by a member of the House or not. It is merely a rule of the House, like every other rule, which prescribes a certain form of action which members can take in order that the business of the House may be accomplished. If a Bill is set down for a second reading it may be read the second time, and then it can be referred to any Committee,

unless somebody interferes to stop the irregularity. So it is evident that the rule itself does not relieve us of the difficulty to which I have alluded ; on the contrary. the rule is there as any other rule, and is to be acted upon by the member of the House having charge of the Bill. He should before he moves for the second reading, if it has not passed the ordeal of the Standing Orders Committee, then move that it should be sent to that committee to be reported upon as a petition, with all the formalities required. But how the Standing Orders Committee can get charge of a Bill which has been ordered by this House to a second reading, and afterwards ordered to a special Committee of the House, how the Standing Orders Committee can stop in, set aside the order of the House and take charge of the Bill and report upon it, as a Standing Orders Committee, is what I cannot understand. I think it must be evident to my hon. friend that the mere existence of that rule upon our rule book cannot help us out of the difficulty to which I have called attention without the intervention of the House. I do not see at any rate that anything would be gained by adopting the course which my hon. friend says is being followed now. The second reading should not be had until a bill has been reported upon by the Standing Orders Committee. and if after the second reading, instead of referring it to another Committee you refer it to the Standing Orders Committee, then you are delayed in a most important stage of the Bill, and perhaps you will find that after this House has passed perhaps two or three days in discussing the second reading, the Standing Orders Committee will throw out the Bill altogether. Now that would be certainly a very obscure course to pursue, the whole time and labor of the House being lost. It seems to me that the proper course is so very clear and plain, that there cannot be any hesitation in conforming the action of the House to it.

HON. MR. DE BOUCHERVILLE—If the hon. gentleman will allow me for one moment I would state that I have just found this petition was reported upon on the second of March. I beg therefore to move that the Bill be now read the second time.

HON. MR. ALLAN—There is no doubt of the fact that, as stated by the hon. gentleman from Richmond, bills may come up from the House of Commons to this House for which petitions have never been submitted to the Standing Orders Committee of the Senate, and unless attention is drawn to the fact, by some one such Bills may be read the second time and passed through without a petition ever having been reported upon in this House. The rule which the hon. gentleman from Sarnia, (Mr. Vidal), quoted was intended to cover a defect of that very kind, where a bill came up here from the House of Commons, and it was found that no petition had even been reported upon in reference to the Bill in this House. It was intended that such a case could be met by referring the Bill to the Standing Orders Committee on a motion, instead of making a motion for the second reading. Then it appears to me it leaves it in the position referred to by the hon. gentleman from Richmond, that unless somebody makes it his business to ascertain that—and we all have our own experience of how bills come up here and are taken charge of without enquiry whether they have been before the Standing Orders Committee of the Senate—those bills may be passed through without any such reference being made.

HON. MR. VIDAL—I have listened very attentively to the remarks of hon. gentlemen, but I am not convinced. It appears to me perfectly distinct and intelligible that these Bills are treated precisely in the same manner as though they were petitions. By the 53rd rule petitions for private bills received by the Senate are to be taken into consideration without special reference. Then we read in the 56th rule that all private bills from the House of Commons (not being based upon a petition which has already been so reported upon by the Committee) shall be first taken into consideration and reported on by the said committee *in like manner*, after the first reading of such Bills, and before their consideration by any other Standing Committee.

HON. MR. MILLER.—Does it says a the other rule says, without special reference ?

Hon. Mr. VIDAL.—I hold that the very words "in like manner" were put in for the express purpose of providing for that. It is the duty of the clerk to see that these conditions are attended to without any responsibility being thrown upon any member in that direction. To my mind the rule is perfectly clear. My hon. friend says it ought not to be ordered for a second reading, but I see nothing whatever in the rules to prevent that. I only see a distinct order that it shall not be sent for the consideration of any other committee until it has first been dealt with by the Standing Orders Committee.

Hon. Sir ALEX. CAMPBELL—The practice has grown out of this fact that in this House the Committee on Standing Orders and on Private Bills are the same body, while in the other House there are two committees, one for Standing Orders and the other for Private Bills. We have always had but the one body, and therefore it has been supposed that when a Private Bill is referred to the Standing Committee on Private Bills they, in their capacity of the Committee on Standing Orders, see that those formalities have been complied with.

Hon. Mr. MILLER—Suppose it is a bill on banking?

Hon. Sir ALEX. CAMPBELL—It is out of that practise that this little irregularity has grown, and when the question arose the other day, I asked my hon. friend behind me, (Mr. Bellerose) the present chairman of the Committee on Standing Orders and Private Bills, whether they put that question before they considered the subject matter of a private bill. He said yes, that when a private bill was referred to the Private Bills Committee they considered that question and satisfied themselves that the Standing Orders had been complied with before they went into the merits of the Bill. That I supposed had been the practice all along. Of course strictly and properly speaking a second reading ought not to have taken place before the first reference, and no doubt in this House if the strict practice were pursued it should be sent to the Committee on Standing Orders for the purpose of ascertaining whether the Standing Orders have be complied with; then a report from that Committee to the House, and then the second reading; then the reference to the Committee on Private Bills.

Hon. Mr. ALLAN—Suppose the case of an insurance companys bill coming up here; a member takes it up and moves the second reading, and it is referred to the Committee on Banking: how would you meet that case—supposing the Bill had never gone to the Standing Orders Committee.

Hon. Sir ALEX. CAMPBELL—That might be met in the same way. If that was understood in the House, the Committee on Banking, seeing it was a private Bill, before they went into the merits of it, would say to the member who had it in charge "have the conditions been complied with?"

Hon. Mr. MILLER.—Supposing a private bill within the cognizance of the Private Bills Committee, both as the standing orders and Private Bills Committee, comes to this House from the other branch and the second reading of that Bill was moved? It undergoes the first reading, and the second reading is moved. It undergoes the second reading, and then it is referred to the Committee on Private Bills. It is not referred to the Committee on Standing Orders. The duty of that Committee is to see that all formalities prescribed by our rules are complied with but that Committee is not seized with that Bill at all and cannot, except by disobedience to the order of the House, consider it as a Committee on Standing Orders; they are bound to consider it merely as a Private Bill Committee.

HON. SIR ALEX. CAMPBELL—No; the Committee is the same. When a reference takes place after the second reading the reference is not to the Committee on Standing Orders and Private Bills—that is the title of the Committee, the title used constantly in the orders of the day, and in all papers connected with the House. I have a list before me; there is the Committee on Contingent Accounts; then the Committee on Standing Orders and Private Bills, &c. When a Bill is read the second time it is referred to the Committee on Private Bills, and the

practice of that Committee is, as I have always supposed, to look into the Bill on its merits; they ask if the Standing Orders have been complied with. The clerk says "yes," or "no," as the case may be—that is what I understood to be the practice.

HON. Mr. MILLER—I have been several years chairman of the Committee on Standing Orders and Private Bills and I have not known that to be the practice.

HON. SIR ALEX. CAMPBELL—To refer the Bill in the first place to the Committee on Standing Orders would no doubt be the most regular course, but would delay the Bill, and I do not know that any difficulties have arisen from the irregularities to which attention has been drawn; I do not remember to have heard of any. It might be that the suggestion thrown out by the hon. gentleman from Richmond might be adopted so that the member who has charge of a bill from the other House should satisfy himself that the Standing Orders here have been complied with, and should be able to satisfy us in moving for the second reading. I think it would be better to avoid the two references which would cause delay.

HON. MR. MILLER—That would be avoided by the members stating that it had already been done.

HON. SIR ALEX. CAMPBELL.—Towards the end of the Session it would be almost impossible, if that plan were adopted, to get on with the business—if there was a double reference. If this meeting between the chairmen of the two Committees of the two Houses should take place, and their action be adopted by the two Houses, then it would probably result in a Joint Committee to report upon all those standing orders and matters connected with them.

HON. MR. VIDAL—I think the objection raised by the hon. gentleman from Toronto (Mr. Allan) was a very good one. How would this rule apply in a case of a Bill for an insurance company? The way I understand it would be this: Such a Bill, when it comes here, is to all intents a petition under the rules of the House, and has to go to the Standing orders Committee to be reported upon.

HON. MR. ALLAN.—It never has been done so.

HON. MR. VIDAL.—That appears to me to be according to the rules of the House. With reference to the Private Bills Committee I think that no great inconvenience results from our system being carried out so long as we have used it.

The motion was agreed to and the Bill was read the second time.

NOVA SCOTIA BANK ALMAGAMATION BILL.

SECOND READING.

HON. MR. ALMON moved the second reading of Bill (10), "An Act to provide for the Amalgamation of the Bank of Nova Scotia with the Union Bank of Prince Edward Island."

HON. MR. MILLER—I would like to know whether the hon. gentleman is in a position to say whether the Bill has been reported upon by the Standing Orders Committee of this House?

HON. MR. POWER—My recollection is that the Bill has been before the Standing Committee. I was present at the meeting when the petition was considered.

The motion was agreed to and the Bill was read the second time.

CRIMINAL CASES ACTS AMENDMENT BILL.

IN COMMITTEE.

The House went into Committee on Bill (83), "An Act to amend the Acts respecting procedure in criminal cases and other matters relating to criminal law."

HON. MR. VIDAL, from the Committee, reported the Bill without any amendment, and the third reading was ordered for tomorrow.

The Senate adjourned at 4.50 p.m.

THE SENATE.

Ottawa, Tuesday, April 10, 1883.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

CRÉDIT FONCIER FRANCO-CANADIEN BILL.

RESTORED TO THE ORDER PAPER.

HON. MR. PLUMB—Before the orders of the day are called I beg to move that Bill (22) "An Act respecting the Crédit Foncier Franco-Canadien" be restored to the order paper. The Bill came up from the Commons on Thursday, and as there was no one present to take charge of it it was laid on the table.

The motion was agreed to and the Bill was ordered for second reading to-morrow.

OBLATS DE MARIE IMMACULÉE NORTH-WEST TERRITORIES BILL.

SECOND READING.

HON. MR. DE BOUCHERVILLE, in the absence of Hon. Mr. Girard, moved the second reading of Bill (19) "An Act to incorporate 'Les Révérends Pères Oblats de Marie Immaculée des Territories du Nord-Ouest.'"

HON. MR. MILLER asked if the bill had been reported on by the Standing Orders Committee?

HON. MR. DE BOUCHERVILLE said he was not aware that it had been.

The motion was agreed to and the Bill was read the second time.

BANKS AND BANKING ACTS AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (46) "An Act further to amend an Act intituled: 'An Act relating to Banks and Banking,' and the several Acts amending the same."

He said: This is a Bill to remedy several defects which have shown themselves in the Banking Act. The first one is that which is dealt with in the second section of this Act; the Banks as the law now is, are obliged to send in their returns to Parliament, and for the most part they do so; but sometimes they do not, and it is not made the duty of anybody to see that those returns are procured, and the amendment proposed is that it shall become the duty of the Finance Minister to obtain those returns and lay them before Parliament. The duty is made incumbent on him in the first fifteen days after the opening of Parliament, and there is a penalty imposed on a bank that neglects to make the returns. Under the present law the banks are limited to a certain amount of circulation; but there has been no penalty imposed upon those banks which have exceeded the circulation to which the law entitled them; and it is proposed to impose a penalty of $100, if the amount of such excess of circulation be not over $20,000, a penalty of $200, if such excess be over $20,000. and not over $100,000, and so in proportion to the excess. The banks do occasionally over-run the amount they are entitled to issue, and where attention is called to it some of them respond in a satisfactory manner and some do not, and it is necessary to keep them within the law, and the proposed penalty is expected to have that effect. Under the existing law the banks are required to hold a certain amount of cash reserves in Dominion notes, which they do not always do, and a penalty is provided for each time it appears by the monthly statement, or otherwise, that such a contravention of the Act has occurred. The next amendment proposed is that the banks are obliged to give one or two dollar Dominion notes in exchange for $50. bills. It is proposed that that shall be changed to $60, to make room for the new $4 notes. The other amendment is with regard to the form of monthly returns. The amount of dividends paid to shareholders depends upon the amount in reserve, and it is required by this Bill that these two items shall appear in the monthly returns—capital paid up, amount of rest or reserve fund, rate or per cent. of loss, and dividend declared. The present law is that they shall not declare a dividend of more than eight per cent. unless they

have a reserve of 20 per cent., and it is proposed to enforce that condition. The next amendment is to alter the time in which monthly returns are required to be presented. Under the present law they have to be presented by the 10th of the month; that cannot always be done, and it is proposed to alter it to the 20th. The present Act provides simply that no private institution not incorporated shall use the word "Bank." A great many private companies use the words "Banking Company," "Banking House," "Banking Association," "Banking Institution," "Banking Agency" and thereby mislead the public. People not of the first rank of intelligence, or having little knowledge of commerce seeing the words "Banking Company" are assured where they deal with such person, firm or company that they are carrying on business or acting as a chartered Bank. There is a penalty provided for a breach of the Act.

Then the Banking Act, as regards holidays, was limited to the Province of Ontario, New Brunswick and Nova Scotia, which at the time it was passed, constituted the Dominion outside of Quebec. It is now proposed to extend it to all the provinces and territories: that would include Prince Edward Island, Manitoba and British Columbia. The Province of Quebec has holidays of its own. I propose to add to those holidays, when the Bill is in committee, Easter Monday as an additional holiday. These are the provisions of the Bill of which I move the second reading.

HON. MR. WARK—I have noticed that these returns are not uniform. Some specify the number of shares into which the stock is divided and the value of shares, while others do not. I think the Government should endeavor to have these returns uniform, and signed by the president as well as the cashier.

HON. SIR ALEX. CAMPBELL—I suppose that the return is the same in each case. The information asked for is stated in the schedule attached to the statute, and they should be uniform.

HON. MR. WARK—They vary.

HON. SIR ALEX. CAMPBELL—I will call the attention of the Finance Department to the subject; the returns are all supposed to be made according to the form laid down in the statute.

HON. MR. McMASTER—There is a provision requiring these returns to be made to the Finance Minister before the opening of Parliament. Would it not be well to fix some date? I observe that some of the returns are dated two or three months before the meeting of Parliament. It appears to me that a date should be fixed up to which the returns should be made.

HON. SIR ALEX. CAMPBELL—I daresay that might be done.

The motion was agreed to and the bill was read the second time.

QUEBEC FIRE ASSURANCE CO'S BILL.

SECOND READING.

HON. MR. PELLETIER moved the second reading of Bill (23) "An Act further to reduce the capital stock of the Quebec Fire Assurance Company."

He said: This Bill comes from the House of Commons, and has been reported favorably on by the Committee on Standing Orders in this House. The Bill asks for a reduction of the capital stock form $500,000 to $225,000. This reduction is asked for not only by the directors of the Company, but by the unanimous decision of the shareholders in January last. The reduction in no way affects the liability of the Company or its shareholders, as the amount remaining to be paid by the shareholders is still the same. The reduction is simply on the paid-up capital. In addition to that there is a proviso at the end of the second clause that the liabilities of the Company, or shareholders of the same, shall be unchanged—that this Bill does not affect their liability.

The motion was agreed to, and the Bill was read the second time.

PRESBYTERIAN BUILDING FUND BILL.

SECOND READING POSTPONED.

The Order of the Day for the second

reading of Bill (75), "An Act to incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada for Manitoba and the North-West," having been read,

HON. MR. BELLEROSE said: I believe it is my duty to call attention to an irregularity in connection with this Bill. The second reading has been ordered, but no petition has been reported upon by the Committee on Standing Orders and Private Bills, so that, according to the 56th Rule of this House, the Bill ought to have passed to the Committee on Standing Orders and been reported upon before the second reading. The Bill went to the Committee, but there was a difficulty there. Two views were presented there: one that the Bill ought to go there as a matter of course, irrespective of the Order of the House for the second reading; the other that an Order of the House for the second reading should precede it. I therefore move—

"That the Bill be not now read the second time, but that it be referred back to the Standing Orders Committee to report upon it."

HON. MR. WARK—I have no objection to the motion.

The motion was agreed to.

DOMINION PHOSPHATE AND MINING CO.'S BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (49), "An Act to incorporate the Dominion Phosphate and Mining Co."

He said: This is a Bill from the House of Commons to incorporate certain persons in the United States and Canada for the purpose of carrying on the business in the Dominion of Canada of exploring for and mining gold, silver, coal, copper, lead, apatite or phosphate of lime, and all other precious or baser minerals or ores; to manufacture and smelt any of the aforesaid products; to ship, forward and sell the same, either in a crude or manufactured form, to manufacture sulphuric acid and to acidulate phosphate of lime, and otherwise utilize the the same for the purpose of reducing and smelting ores, within the Dominion or elsewhere, and for such purposes to establish works and factories; to charter vessels for the transport and carriage of the minerals and products, either in a crude or manufactured form, of the Company or of any other person or persons, between such points in the Dominion, in the United States and in Europe, as the Directors of the Company shall deem expedient, and to own, lease or hire railway rolling stock and employ the same as aforesaid, at and between such points in the Dominion and United States as the Directors shall see fit; to acquire such wharves, docks, warehouses and storage ground as may be necessary for its purposes; to purchase, lease, take, own and hold under any legal title, such lands, premises, mining locations, limits and rights as shall be necessary for the purposes of the Company, and to work and develope such mines and mineral deposits as may be thereon.

The capital stock of the Company is fixed at $75,000, in 750 shares of $100 each. I propose to refer the Bill to the Committee on Standing Orders and Private Bills.

HON. MR. BELLEROSE—I have no intention to oppose the Bill, but I wish to say that I think in this Parliament we are legislating too much on subjects reserved for the local legislatures. This I consider unjust, because it deprives the Provinces of the money which parties who apply for acts of incorporation would pay them. Then, there are certain local interests involved in these measures which the local legislatures are more competent to deal with than this Parliament. It is very easy to prepare a bill in such a shape as to give it the color of a general measure, but one can hardly believe that such a company as this would at the very outset extend its operations throughout the Dominion. Surely the work of mining and manufacturing must begin in some one province. It seems to me that these companies should obtain their charters from the legislatures of the provinces where they carry on their operations. Until a company increases and extends its business to other provinces and requires larger powers, it is not necessary that it should come here for

legislation. In that case it would be an advantage that the local legislatures should have some control over them, because, if a company should abuse the powers granted to it, the local authorities could provide a remedy by repealing its charter. That remedy cannot be applied if this Parliament assumes the right of chartering every company which applies here for legislation. That is one objection which I have to the Bill, and I trust that it will commend itself to the House.

HON. MR. MILLER—I think there is a great deal of force in what has fallen from the hon. gentleman opposite (Mr. Bellerose). I do not think it is wise to encourage legislation being sought from this Parliament, that can just as well be obtained from the local legislatures. I do not, however, agree with my hon. friend that it is from a monetary point of view that much is to be gained either here or in the Local Legislature by having control of legislation. The small fee which is paid by the parties promoting Bills of this kind, is, I have no doubt, little enough to meet the expenses of legislation, because every one of these Bills costs more or less money in consequence of the attention which Parliament has to give it and from other causes; but I think it would be well if we were a little more careful than we have been for some years past in preventing legislation here which should come from the Local Legislatures. Now I think there is nothing in this Bill that might not be obtained by an Act of the Legislature of the Province in which the phosphate mines or minerals are to be found which this company proposes to work. I presume that this Corporation would be on the same footing as a coal company in Nova Scotia, and we would have a good deal of work if all the coal companies in that province came here for acts of incorporation, and they might just as well do so as this Company. But they do not come here; they get their acts of incorporation from the legislature of Nova Scotia, and they are able to work these mines and ship the products of them just as well under a local act as if they had obtained an act from the Parliament of Canada. It is a great mistake to suppose that a company incorporated under a local act has not the power to carry on business throughout the Dominion just the same as a foreign corporation, chartered by the Congress of the United States, or any State legislature in the union, has power to carry on business in any part of this country. But there is another consideration—acts of incorporation, where the subjects of such acts are mostly under the control of local legislatures, should come from them. Now, for instance, mining generally is a local interest under the control of the local legislatures which make laws in regard to the development and working of mines. Now the subject matter of this Bill, if I may use the term—that is, the industry to be worked by the company under the Bill—is a matter within the control of the Legislature of the Province. These phosphate mines are subjects of legislation for the different Provinces where these mines are situated, and I think on that account acts of incorporation for companies to work these mines should be obtained from the Legislature of the Province in which such mines are situated. An Act of this Parliament is not of more advantage to a company than one from a provincial legislature would be. Under those circumstances, though I do not intend to oppose the passage ot the Bill, I think it would be as well if a little caution were exercised in granting charters here which should be obtained from the local legislatures. This will go to the Private Bills Committee, which, I think, has authority from the House to consider questions as to the jurisdiction of this Parliament to deal with the bills submitted to it. When it goes to that Committee we can probably more suitably discuss the question.

HON. MR. ALLAN—So far as regards the object sought by this Bill, as, I think, I pointed out to my hon. friend, a little while ago, the mining operations will be carried on both in Ontario and Quebec. These phosphate mines are found on both sides of the Ottawa River; the same way with gold mines. Under this measure mining of that kind might be carried on in different parts of the Dominion. Therefore, I presume, that was one consideration which induced those who sought for the Bill to ask for an act of incorporation at the hands of the Dominion Parliament. So also with other powers which they seek. I think they would be better exercised

under the authority of a charter from this Parliament than a local Act. There is no doubt where companies of this kind can get an Act from the Dominion Parliament they prefer it to a charter from a provincial legislature. In any case, I think there is a precedent for this Bill.

HON. MR. MILLER—Lots of them.

HON. MR. ALLAN—All I object to is, that this should be the first sacrifice to the principle. There can be no doubt that we have passed a large number of bills of this kind, on the ground that the business is to be carried on throughout the Dominion (not like my hon. friend's coal companies which can only be carried on in one Province), and I think it is more reasonable that they should get their powers by a Dominion Act. However, it will be severely criticized before the Private Bills Committee, to which I propose to refer it.

HON. SIR ALEX. CAMPBELL—No doubt Parliament has legislated in the sense of giving these powers, and unless we take some very decided stand, or the Courts pronounce some of them illegal, we had better pass this bill.

HON. MR. MILLER—I do not consider those bills *ultra vires;* I consider we have the power.

HON. SIR ALEX. CAMPBELL—The powers which the Bill seeks for, I think, undoubtedly can be obtained from the local legislature. It has always been a puzzle to me that persons who are interested in these Bills desire to obtain legislation here, rather than from the Provincial Legislatures. I see nothing to be gained by it, unless an act of incorporation from us imparts a better tone to the Company. However, we have done so much in this direction already, that I think unless some decided step is taken by both Houses, or there is a decision of a court to prevent it, we shall have to go on. I wish to draw attention to the 4th clause of the Bill, which says that one director shall be resident in Canada, and a British subject. Our acts heretofore have required that a majority of the directors shall be resident in Canada and British subjects. That is a novel feature in this Bill. A company incorporated to do business in Canada, with its domicile here, its operations here, and everything which concerns it here, should certainly be represented by more than one resident British subject on the directorate.

HON. MR. MILLER—Where is the domicile?

HON. SIR ALEX CAMPBELL—In Canada. I doubt very much whether it is in the power of this Parliament to say that a company shall be domiciled in every office in Canada where it does business. I think that is a matter pertaining to the local authorities. Even if we have joint powers with them, regarding the Bill as a whole, yet I do not think that is an incident of the Bill, regulating the domicile, and if it is not an incident then we have no power to do it. It is a question of Civil Rights, and should be left to the Provinces.

HON. MR. ALLAN—My attention was called to it by the Law Clerk. I think those are matters to be considered by the Private Bills Committee.

HON. MR. POWER—I think that question of the directors was considered at some length, and discussed in the Committee of the other House. I believe the capital is almost altogether supplied by persons resident in the United States, who do not wish to have the directors in this country, and the reasons they gave appeared to be satisfactory to the Committee of the other House. Of course that will not affect in any way the proceedings of our committee, but I think the suggestion made by the hon. gentleman from Richmond (Mr. Miller) is a very wise and proper one, and I think hon. gentlemen will bear in mind that last session there were one or two bills, similar in character to this, referred to the Judges of the Supreme Court for their decision as to whether they were *ultra vires* of this Parliament. The Judges in both cases, gave as their opinion that the bills were not *ultra vires*, and I think at any rate it would be an unfair thing at this stage of the session, after so many other bills of a similar character have been passed, to make an example of this particular company.

HON. MR. MILLER—I do not think any one wishes to do that.

HON. MR. POWER—The suggestion of the hon. Minister of Justice that some agreement should be come to by the committee of both Houses is an admirable one, and a practical one also. No longer ago than Monday last there was a long discussion in the other Chamber as to another bill which was intended to grant certain powers to the Acadia Power Company, and the House of Commons seemed disposed to revise their decision with regard to these bills, and declare that it was not a subject matter for our consideration.

HON. MR. BELLEROSE—The argument that there are precedents for this, I do not think is a valid one. If a thing has been done badly I do not see that we should go on and do it over again. We should try to improve. Now, if all these acts of incorporation should emanate from the different local legislatures it would be a source of profit to the Provinces, because in some of the Provinces there would be two or three hundred dollars gained in this way, and all the Provinces are not so rich as to despise that, since they have to come here for better terms. But if I did not see in the future something worse than all that, I would not raise my voice so often as I have done on this subject; but it is well known that even amongst the leaders of both Houses, or at all events of one of the Houses, there is a disposition to bring us back to a legislative union, and there is no way of accomplishing that better than the custom of legislating here on subjects which should be dealt with by Provincial Legislatures. If the Legislatures of the Provinces have nothing to do, what will be the cry amongst the people? It will be "What is the use of such large expense; why should we have more than one Parliament," and though their best interests are served by the present system, it does not always happen that men can see what is best for themselves. They may in this instance ask for something which may in the future be injurious to them, and that is the principal reason why, since confederation, I have always been opposed to the system of legislating on subjects which should be dealt with by the Provincial Legislatures, and I shall always raise my voice against it; so that in future years, when a Legislative Union does take place my views will be on record, at all events, as having foreseen and opposed it. I am happy to learn that in the other House yesterday this question was discussed, and the decision come to that something should be done in the direction of leaving to the Provincial Legislatures the work which belongs to them. I do not intend to oppose the second reading, but as the hon. gentleman from Richmond has well remarked, this Bill having to go to the Private Bills Committee, and that Committee having authority to deal with the question of the constitutionality of the measure, the subject may be discussed and reported upon by them.

HON. MR. PLUMB—I cannot exactly see that this affair is within the province of the Parliament of Canada. You can not prevent people from coming here; the practical working of the thing is, if they choose to come to our House they will come. If they choose to go to the local house they will go there, and if they choose to come here, they will come. I do not think it is within the province of the Parliament of Canada to tell people that they must go to the local legislatures for their legislation, if they think it is more to their interest to come here.

HON. MR. BELLEROSE—Is there not generally in these incorporation acts something about civil rights, and if so would that not shew that they should apply to the provincial legislature?

HON. MR. PLUMB—If it is not within the province of this Parliament to pass the Bill, they cannot pass it. That objection has not been raised; it was only a suggestion that this legislation would come better from the Local Legislature. There is no doubt that where the object sought can be obtained from the Local Legislatures, it would be much better if this Parliament were relieved from a constantly growing business, but if the power rests with this Parliament, and people come here petitioning for legislation, I do not see that any practical good can come out of a discussion of this kind. I think it is beside the question to bring in the subject

of provincial rights. Parliament is taking nothing but what belongs to it. If it is, that is a question to be settled. I understand it has not been claimed by the gentlemen who have been discussing the Bill that it is beyond the power of this Parliament. Practically we are just in the same position as we were before, notwithstanding the appeal of my hon. friend who has just spoken, but I can understand perfectly well that it is desirable, as far as possible, to keep the legislatures of the different provinces employed, to give them something to do, and I am sure there is no one who desires to diminish their business in any way. I do not think there is any jealousy in that respect.

HON. MR. MILLER—Even conceding that the Bill is *intra vires* of the legislative authority of this Parliament, does not my hon. friend admit that it is quite competent for Parliament to say that such Bills, being mere matters of local concern, and fit subjects for provincial legislation, should be relegated to the local legislatures instead of being brought to this House? Even though they are *intra vires*, would it not be quite proper for this Parliament to make such an answer to persons coming here for this kind of legistion? I think it would; therefore I think it is not an improper thing at all to refuse to grant such legislation.

HON. MR. BOTSFORD—I certainly must concur with the views of my hon. friend on my right (Mr. Plumb) as to the duty of this Parliament. If we have the right to legislate on questions similar to this Bill, I take it we should not pass resolutions telling people they must not come to Parliament, when we have power to legislate in that direction. I have a distinct recollection of two or three bills which were referred to the judges of the Supreme Court, and, if I am not mistaken, the principle upon which the judges decided was simply this: that if the operations of the Company extended to more than one province, and that was inserted in the preamble or in the bill, that that brought it within the jurisdiction of the Dominion Parliament. That virtually was the result of the decision arrived at in the case, I think, of three bills—two, certainly—that had been referred to them for their consideration. Now, I perceive in this Bill that it is the intention of the corporation to trade under their charter in more than one province, and that being the case, it comes within the decision which the judges of the Supreme Court have given with respect to the powers of Parliament to deal with those bills.

HON. SIR ALEX. CAMPBELL—One of the questions asked of the Supreme Court was, whether the objects for which incorporation was sought were such as to take the Bill out of the exclusive jurisdiction of the Province of Quebec. The object of the Company in that case was to take out timber, send it to Quebec, and ship it to Europe. They asked to do it in both provinces. When the Supreme Court was asked this question, it was of the opinion that the objects mentioned in the Bill were within the jurisdiction of this Parliament, and out of the exclusive jurisdiction of the Legislature of the Province of Quebec. The other Bill was to incorporate the Canada Provident Association, having for its object trading throughout the Dominion of Canada. It was a measure which did not fall within the class of subjects allotted to Provincial Legislatures. The Court held that the Bill was not a measure which fell within the class of subjects assigned exclusively to the local legislatures. This Bill is of a similar character, but in reality one would suppose the powers which they ask could all be obtained from the legislature of one province.

The motion was agreed to and the Bill was read the second time.

CRIMINAL CASES ACTS AMENDMENT BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (83) "An Act to amend the Acts respecting procedure in criminal cases and other matters relating to criminal law."

HON. MR. POWER—I find that there is no objection at all to the Bill, so far as Nova Scotia is concerned.

The motion was agreed to, and the Bill was read the third time and passed.

CITIZENS INSURANCE COMPANY'S BILL.

THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (67) "An Act respecting the Citizens Insurance Company of Canada, with one amendment."

The amendment was concurred in.

HON. MR. ALLAN moved that the Bill be now read the third time.

The motion was agreed to, and the Bill was read the third time and passed.

BILLS INTRODUCED.

The following bills from the House of Commons were introduced and read the first time.

Bill (73), "An Act respecting the Montreal, Ottawa, and Western Railway Company; and to change the name thereof to the Montreal and Western Railway Company." (Mr. Bellerose.)

Bill (37), "An Act to incorporate the Royal Society of Canada." (Mr. Bourinot.)

Bill (20), "An Act to empower the National Insurance Company to wind up its affairs, relinquish its charter, and provide for the dissolution of said Company." (Mr. Bellerose.)

THE CREEDS AND NATIONALITIES OF GOVERNMENT EMPLOYEES.

AN EXPLANATION.

HON. SIR ALEX. CAMPBELL—My hon. friend from DeSalaberry asked me a few days ago when the returns of the nationalities, religion, etc., of the various employees of the Government in the inside and outside service, would be laid upon the table of the House. I said it had been prepared some weeks ago and that I thought it had been sent to the Joint Committee on Printing. I did so, because in a conversation with the chairman of the Joint Committee on Printing, I understood from him that such was the case, and that it was a question whether they should print it or not; therefore I assumed they had it. So that I corrected the impression I had formed previously that it was to come down in print, and I said it would come down in manuscript form, and had been before the Joint Committee on Printing, and when my hon. friend from deSalaberry doubted that, I promised to inform myself. I then asked my hon. friend, the chairman of the Committee about it, and found that he had not seen it, and that he was merely speaking upon information he had received. Upon further inquiries, I found it had not been presented, but was in the course of being printed at the instance of the Government. I then caused a telegram to be sent to the office where this printing was going on, to expedite it, and I have sent a second one since. I hope to have it printed in the course of a day or two; I will do all I can to get it.

HON. SIR ALEX. CAMPBELL then moved the adjournment of the House.

HON. MR. BELLEROSE—Being most desirous of taking as little of the time of the Senate as possible, I delayed, day after day, bringing before it an important question to which I feel in duty bound to call its attention. To-day, the Senate having done its work at an earlier hour than usual, I hope I may be pardoned if I call the attention of hon. members, during some of the time left, to a speech delivered in New York by one of the present advisers of the Crown.

On the 31st of March last, some eight or ten members of the Quebec Legislature left for New York to meet the hon. the Secretary of State for Canada (Mr. Chapleau). There they presented an address to the hon. gentleman and handed over to him a letter signed by some twenty members of the same Legislature, whose private business had not allowed them to leave home. The Secretary of State returned the compliment in a long speech which has been published through the press, and which no one in this Parliament would have thought of adverting to if the hon. Minister had confined himself to matters connected with the Local Legislature only. However, he thought fit to deal with Dominion questions also. In speaking of the Conservative party, as to Quebec politics, he used the following words:—

"No one loves his country more than he

(the Prime Minister of Quebec, Mr. Mousseau) does; no one will answer more readily its call, when labor and sacrifices are wanted—brought up to that school of discipline Confidence and union which you just mentioned as being the tradition of the Conservative party, he understands that the only flag under which you could rally to victory, was the one which the motto: *Franc et sans dol! True war with the foe! Shame to the coward and death to the traitors! No weakness!* Such was our rallying cry, when we fought together, and the old feeling remains with you unaltered.

"The great Conservative party in our Province has a glorious history of which you are successors. It had many a hard trial, and difficult ordeals to go through. To those dealing in national prejudices, it opposed a spirit of forbearance and union. To those stirring up religious prejudices and exaggerations, it answered by tolerance between creeds, and a respectful deference to authority. On a fatal day, that old and noble party, having for its leader a great patriot, was the victim of an odious slander by which the church was deceived and the party injured. Taught by experience, the leaders who succeeded have rendered the calumny harmless or powerless."

The hon. minister then proceeded in the following terms to refer to Ottawa matters:

"Now, my friends, let me tell you that our chiefs at Ottawa, rely on you for your help in the consolidation of the destinies of Canada. Confederation will make us a great country, a great nation, but let us not risk our future. The path to follow is a difficult one and there is only one to follow, to avoid a precipice. The desire to unite the different elements of the Canadian nation must not be such as to make us ignore the particular and individual rights of those elements or waive their privileges; and whilst preserving with a jealous care our immunities, we must not forget on the other hand that we are building up a nation, the strength of which will depend on the smooth and harmonious working of its several components, etc., etc.

"Your chiefs have given justice to all in the carrying out of Confederation. Have them as long as you can; they have worked well for the people. Forgive their mistakes (who is without them?) Oftentimes men learn by their own mistakes."

"But never forgive venality or treachery, because such crimes are the ruin of a nation."

Such is the language of the Secretary of State, which goes to shew that the hon. minister consider the Conservative party in Lower Canada to be divided into two sections or fractions—one composed of those who are ready to stand by their leaders on every occasion, whether for good or for bad, of those who put "party discipline," above all other considerations &c.—the other section, wherein are found those who reserve to themselves the right to judge honestly and conscientiously of every important Act of their leaders. Those who believe that over and above party ties stand the public good and the welfare of the country—those who think that if there is a time to submit, there is also a time when one ought to speak and force traitors to their country to go.—*Salus populi suprema lex est.*

The hon. Secretary of State has flattering words for those who are found in the section first referred to. They are complimented. They are said to understand "party discipline." Their party is the party, "*sans dol et sans reproches*, &c., &c. but the Hon. Minister reserves for those who are found in the latter section, harsh and injurious words. They are alluded to as *a foe*, *cowards*, *traitors*, their acts are said to be those of *venality*, *treachery*, *meanness*, weakness, faithlessness, &c., &c.

Hon. gentlemen, I am one of those who have always acknowledged my fidelity to the flag of the Conservative party, and my forty years service outside of Parliament, and my twenty years service as a representative of the people show whether I stood by Conservative principles or not. Nevertheless, I have always felt a certain pride in affirming by word and by deed my absolute independence as regards political men and their acts. Consequently, I cannot deny that I am one of those who are to be found in the second section of the division referred to by the Hon Secretary of State, and consequently that, though not personally mentioned, I am one amongst others, of those whom the hon. Minister had in view when he delivered his speech in New York. But I do deny the right of the hon. gentleman to so characterize the acts of his colleagues in the Conservative party, who may think otherwise than he does under certain circumstances—of those Conservatives who do not believe in party discipline as the hon. gentleman understands it—of those who are convinced that the public good and the welfare of the country supercede party questions—of those who think that if there is a time to submit there is also a time to protest—of those who think that no party tie can supersede

the ruining of one's country, the demoralization of its people, &c., &c.

I deny the hon. Minister's right to use such slanderous words, when dealing with the supporters of the Government of the day, a member of which he happens to be.

Even if the hon. gentleman was so invulnerable as a politician, that he could venture to do so without danger to himself, I contend that he would have no right to so ill-treat the section of his political friends adverted to in his speech, unless he is able to find in the party more devoted men to Conservative principles than those who form that section have at all times been.

But the hon. Minister is far from being so irreproachable as a politician that he can afford to assail others.

I have known the hon. gentleman since he entered public life, in 1867; I had a seat with him in the Quebec Legislature during the first seven or eight years of his parliamentary life, and I have watched his political career ever since; I have seen him at work and I regret to say that I could not at any time give him my confidence as a politician. This language is strong; but having to reply to an insulting attack I must state the facts as they are, or attempt no answer. The assault is such, coming from a member of the Government of the day, that the speech cannot be overlooked. The hon. minister has expressed his views—he has passed judgment on a certain class of his fellow Conservative friends, of whom I happen to be one of the most humble. The latter must either submit to the insult, and so acknowledge by their silence their guilt, or speak out and protest, as I am now doing, I know the House is impatient, and that I could not expect to be permitted to go over the whole of Mr. Chapleau's political career. Let me only call your attention, hon. gentlemen to one or two facts which I am sure will justify me, and show that Mr. Chapleau was the last politician who should have used such impolite and slanderous words.

In 1872 I was a member of the Commons and had decided to run again at the next general federal election which had to take place that same year. During the month of May, a mutual friend of Mr. Chapleau and myself in Montreal, considering that it was his duty to inform me of what was going on there as to my election, wrote to me a confidential letter stating that Mr. Chapleau was at work to prevent my return, and encouraging political friends by assuring them that such was the desire of the leaders of the party. Having received such information I at once wrote to Sir George E. Cartier a letter, a duplicate of which I have still in my possession, mentioning the facts and asking him whether or not it was true that he had approved of Mr. Chapleau's efforts in Montreal to oppose my election by acclamation. Two days after, Sir George, being in his seat in the Commons, beckoned me to take a seat near him. I did so. "I have received your letter," said Sir George. "Your information is in accordance with the facts. Mr. Chapleau has been working against you. Mr. Olivier Gadbois is his candidate. But never mind; I will not allow my best friend to be so treated. I will tell them that you should be elected by acclamation, as in the past. Here is the letter I wrote to Chapleau; read it." I read it and found it was in accordance with his utterances. A few days later, my friend in Montreal wrote to me, stating that all intrigues had ceased, and that there was no longer any thought of opposing me. Such was the conduct of the present Hon. Secretary of State in 1872, and yet that gentleman takes it upon himself to stigmatize his Conservative friends as "*traitors*" and "*cowards*," and to qualify their dignified independence as "*meanness*," "*treachery*" "*venality*," "*weakness*," "*faithlessness.*" Confederation having been accomplished in 1867, the first session of the first Parliament of Quebec was opened on the 27th day of December, 1867. A few days later, on the 7th January following, two members of the Chauveau Government solicited me to accept the chairmanship of the Committee on Contingencies, stating at the same time that though we were at the very beginning of Confederation yet, the system of expenses already inaugerated was such that it was evident the revenues of the province would not stand it, and that it would soon be necessary to resort to direct taxation unless the system was changed at once. I refused to accept the position. They insisted until at length I was convinced that I ought not to refuse my help in such a good and patriotic work, and I told them I

would devote myself to the task, and do as requested. Shortly after I set to work cutting down the expenses, and so saved several thousands of dollars in the Department of the Legislative Assembly. But, hon. gentlemen, the man who opposed my efforts was Mr. Chapleau, who did his utmost to prevent the Government and myself from succeeding in such a patriotic work. Day after day Mr. Chapleau tried his best, but it was of no avail, since the leaders on both sides of the House (the Chauveau Government on one side, and the Hon. Mr. Joly, leader of the Opposition, on the other) had promised me their support. Mr. Chapleau seeing that his efforts in the House were unavailing, thought he would succeed better if he was appointed on the Committee. A friend of his moved in that direction, and Mr. Chapleau became a member of the Contingent Accounts Committee. Having then, it seemed to him, some chance of success, he set to work intriguing until he succeeded in influencing a majority of the Committee. I immediately resolved to force an open vote in the House on a report of the Committee, recommending certain increases in the expenses of the Assembly, which Mr. Chapleau had succeeded in having adopted in the Committee, where the vote was secret. The report was not concurred in by the House, some members who had voted for it in the Committee Room leaving the Hall, while others voted against it, as it stood. Mr. Chapleau's efforts not succeeding, he was thwarted and forced to allow the Committee to continue the good work of economy and retrenchment. Our cause had triumphed, and thousands of dollars were saved to the public exchequer during the seven or eight first years after Confederation.

I hope, hon. gentlemen, that the two or three instances of Mr. Chapleau's political career which I have just mentioned, which are well established by the newspapers and public documents of that time, and which I have made a choice of amongst many other acts of his political life, will be found sufficient to justify those who, like myself, have long felt that they could not follow such a politician, and that they will also conclusively shew that the hon. minister was the last politician who should have attempted to stigmatize any of his political friends as "*cowards and traitors*," or their political conduct as "*treachery*," "*meanness*," "*faithlessness*," *&c.* In view of this is it at all extraordinary that the hon. gentleman, after the last acts of his political career as Premier of Quebec, had to resign the leadership there and force his way into the Dominion Government? It is not at all singular that in order to secure a seat in the Commons the Hon. Secretary of State had to give $3,800 to his opponents after nomination day. Certainly there is nothing strange in these facts, but what is really extraordinary is to find the right hon. gentleman who is at the head of the affairs of this Dominion, taking Mr. Chapleau under his protection and installing him as a representative of Quebec in the Government, when Quebec has been complaining for six years past that her rights have been ignored since 1878, by the refusal of the Government to appoint a senator of French origin to the Cabinet.

The hon. Mr. Chapleau has also alluded in his speech to a certain *politico-religious* question in the following words :

> "On a fatal day, that old and noble party, having for its leader a great patriot, was the victim of an odious slander, by which the church was deceived and the party injured. Taught by experience, the leaders who succeeded in command, have rendered the calumny harmless and powerless."

I regret that the hon. gentleman, who seems so delighted at the triumph of his friends, and whose words in this instance seems so respectful and so submissive, has forgotten that he has no right to provoke discussion on this question any more than I have a right to give him an answer. The case has been submitted to an authority which, (though not infallible in such instances), deserves all our respect and commands our entire confidence. On both sides the judgment has been received in a true spirit of submission, which has been made tangible by the fact that not a single word has been uttered since its promulgation, except those of the hon. minister himself, which are nothing less than a provocation to controversy.

I am not permitted to answer the hon. gentleman, and shall not, therefore, do so. I might probably put questions to him. I might ask of him whether he knows the party who, after having opposed the Laval University, was offered the chair of professor, which he accepted, and became there

after one of the best supporters of this same Institution. But no, I will not even put questions. The case has been settled by a tribunal which to us is the greatest under the sun—a tribunal from which no appeal lies. Almighty God alone, who reserves to Himself the weighing and appreciating of the acts of men, could say on which side are to be found those to whom may be applied the following words of our Saviour "*Blessed are they which are persecuted for righteousness' sake.*"—Let, then the case rest in His Holy Hands.

HON. SIR ALEX CAMPBELL.—I have nothing to say in reply to what has been said by the hon. gentleman who has just sat down, except to express my regret that he should have taken occasion to make these remarks in reply to language which seems to have been used by the Secretary of State, when that gentleman is not here to explain and answer for himself. I certainly think, the House having nothing to do with it whatever, that my hon. friend would have exercised sounder judgment had he taken some opportunity of alluding to these things either in the presence of the Secretary of State himself, or before some friends of the Secretary of State who had information upon the subject, and who were in a position to reply, and take such steps as they might feel advisable in his defence, or in explanation, if that hon. gentleman required such explanation. It seems to me to have been a matter in which the hon. gentleman is not alluded to directly; he himself puts on the cap and makes it fit, and then takes an opportunity of making this address to a House which has nothing whatever to do with the matter, upon a question in reference to which he makes no motion, and with which the House is not charged with any duty whatever. I cannot but express my regret that the hon. gentleman should have seen fit to adopt the course he has pursued.

HON. MR. BELLEROSE.—In reply I may say that I had a perfect right to take this course, because Mr. Chapleau is no longer an ordinary member of Parliament, but a Minister of the Crown, one of the leaders in the Parliament of Canada. If that gentleman does not understand that he must treat his supporters properly, as they deserve, then it is necessary he should be told so. As I said before this is very nearly a question of privilege, and therefore I would perhaps have a right to say more than I have done, but I thought the better course would be to take advantage of a motion where any question could be offered to the House, provided it were political. This is a political question, and I have a right to speak on all points connected with it. It is true that Mr. Chapleau is not here, but in answer to that argument I may say, neither was I, nor were the other gentlemen who were attacked, in New York. But when Mr. Chapleau says—in referring to the conservatives of Quebec—that amongst them there are those who are not true to the flag, and who do not know what it is to belong to a party, and bow to party discipline, does it not mean all those Conservatives like myself, who have always felt a pride in stating that though true Conservatives they would never sanction what they believe to be wrong? I have always said that I would exercise my own judgment, though I know that in a party a man must both give and take, and that he cannot make his opinion supersede all others—that he must agree with others—but there are questions of principle on which men should have fixed views. It is well known that in this Parliament of Canada I have been so situated, and that is the reason why I am attacked to-day. There was the case of the New Brunswick School Act: it was stated by myself at that time that no Catholics would support it, and how was I treated by my Conservative friends? Though a good Conservative, I cannot recognize party discipline in a case like that. It is well known in the Province of Quebec who those gentleman in this House and in the House of Commons are, who have been attacked. It is well known that I was assailed personally, and being so attacked I had a right to return the compliment, and that is what I have done to-day? I believe still that I was within my rights, and feel that the leader of the Government will know something more than he did before, and if he recollects what the Province of Quebec has done in old times for its leaders—Sir George Cartier and others—it may be that he will see that that Province is not in the hands of such a politician as Mr. Chap-

leau; and perhaps he will find someone to put in his place—a man fitted to take the position, and that is a gentleman from this House.

HON. MR. POWER—I do not think that the course taken by the hon. gentleman from Delanaudière is open to the criticism passed on it by the hon. Minister of Justice. The public utterances of the Hon. Mr. Chapleau are not like the utterances of even an ordinary member of this House. He is a member of the Government, and it seems to me that the other members of the Government are, to a certain extent, responsible for the public utterances of their colleague. I am not aware whether the hon. gentleman from DeLanaudière gave any notice to the Minister of Justice of his intention to bring this matter before the House, but I feel that it would have been only proper that he should have done so, so that the hon. Minister might have been prepared to answer the speech made by the hon. gentleman from De Lanaudiere.

HON. SIR ALEX. CAMPBELL—I received no notice of it.

HON. MR. POWERS—I feel that it would have been more courteous, and I think the preferable way, if the hon. gentleman from DeLanaudiere had given the Minister of Justice notice. As it is, the hon. gentleman has naturally been taken somewhat by surprise.

HON SIR ALEX. CAMPBELL—I do not complain of a want of courtesy, but I doubt very much whether it is reasonable or expedient for a member of this House to name a member of the other branch of the legislature as the hon gentleman from Delanaudiere has spoken of the hon. Mr. Chapleau. Whatever was said by Mr. Chapleau in New York was said of a class, and the hon. gentleman in the other House is not known to be one of that class, or any particular class of the Conservative party. This question has been sprung upon the House, and the majority I am quite sure do not understand it. With the exception perhaps of my hon. friend opposite (Mr. Trudel), Mr. DeBoucherville and a few others, the rest do not know anything of the hon. gentleman's position.

HON. MR. MASSON—I hope hon. gentlemen follow the public press more closely than that.

HON. SIR ALEX. CAMPBELL.—At all events, whether I am right or wrong on that point Mr. Chapleau made no allusion personally to the hon. gentleman from Delanaudiere, and therefore he exercised a proper degree of forbearance, which the hon. gentleman behind me does not show to him. If my hon. friend attacks any party, let him attack in the same way, but to allude to the Hon. Mr. Chapleau, a member of the House of Commons, in the way he has done, seems to me not only inexpedient, but so strongly inexpedient as to exercise an injurious effect on the intercourse between the two Houses of Parliament.

HON. MR. BELLEROSE—I will say this to the Hon. Minister of Justice: Mr. Chapleau has stated that we are "cowards" and "traitors." Had I spoken of Mr. Chapleau to-day as he has spoken of me in New York, and not named him, I would have been a coward indeed; but I am not accustomed to that kind of dealing. I always face a man and tell him what I believe of him, and if Mr. Chapleau had been here I would have told him the same thing as I have already told him under other circumstances. The only difficulty with me is that of speaking in an unfamiliar language. I know very well what the views of the hon. Minister of Justice are on this matter, and I believe that he not only regrets, but is very sorry for those words of the Secretary of State, and if he could only speak the feelings of his own heart, he would say that Mr. Chapleau is not in the Cabinet with his consent, and that he would rather see him go than stay.

HON. MR. TRUDEL—A discussion of this kind may perhaps be considered somewhat irregular, still, as a good deal has been said it is very difficult for us to remain silent on the question. The hon. Minister of Justice is of the opinion that this question should have been raised otherwise, especially for the very good reason that most of the hon. members of this House are not sufficiently well informed on the local politics of Quebec to be familiar with the facts of the case; but in the meantime I consider that my

hon. friend from Delanaudiere is perfectly right, when a member of the Goverment who is not in his place in Parliament chose to make such an attack upon, not only certain political men in this country, but against a whole class of his own political friends, to call attention to it in Parliament. The hon. members of this House do not perhaps recollect the particulars of what occurred last year. They do not perhaps recollect that in the Province of Quebec the great Conservative party was split into two sections in the condemnation of a very important transaction which took place in their Province. They are not probably aware that while the majority of the local House gave their vote to sanction a sale of the most important public property of the Province —the North Shore Railway—that on that occasion from 50 to 100 of the leading Conservatives of the Province were basely insulted and attacked by a press which I have no hesitation in saying had been bribed by the parties who were at the bottom of this transaction; that after a few days we saw a Government, of whom the majority was at first strongly opposed to this transaction, under certain pressure giving their assent to it. A few months after we saw several members of this Government leaving their seats and accepting positions in other branches of the public service. These are facts which are certainly very important, and when fifty or one hundred of our leading Conservatives honestly expressed their views that it was ruinous to the interests of the Province that the sale of this railway should take place, and when we see them basely insulted by a subsidized press, and when we see a few weeks after that all their predictions are verified, and that almost all the promises made by the men who had consummated the sale of our railway were found to be false, when we see an enquiry demanded to get at the facts of this transation, and know that men who two years ago were insolvents are now millionaires—men who were failures for years, but who, the moment they succeeded in getting their hands into the public chests of the Province suddenly become millionaires, it is time that public attention should be directed to such matters. When the people of the Province of Quebec ask for an enquiry to get at the bottom of this transaction, and it is refused, and we see those very men who refuse it going to a foreign country and there insulting their adversaries, calling them cowards and traitors, and contending that because they were conservatives they were so bound to their leaders by party allegiance that they had to blindly approve of their transactions, or submit to be called cowards and traitors—when we hear such language from a member of the Government, it is the right of those who feel themselves attacked to defend themselves in the position they occupy as members of this House. It is here that the past services of the hon. gentleman from Delanaudière have brought him to serve his country. It is here that he is attacked by one of the leaders of the Government in this Parliament, and this is the proper place for him to defend himself. For my part, though I participate to a great extent in his views, still, it did not occur to my mind to feel that I had been attacked when the hon. the Secretary of State was speaking of "cowards" and "traitors." Hon. gentlemen have heard it stated that there are traitors in our Province, but, thank God, it has never occurred to my mind that anybody under the sun can apply such a term to me, because I feel that I cannot have anything in common with those men. I consider that the traitors, if there are traitors, are those leaders, who, when their Province gave them a majority of 30 or 40 were so recreant to their duty as to go to their political adversaries and propose to coalesce with them in order to defeat if possible the majority of their own party. The matter has been discussed in the press of our province, and within a fortnight members of the Local Legislature have risen in their places and solemnly affirmed that our leaders, our Conservative leaders, had proposed to them a political alliance, and that they had refused it; that the Conservative party with a majority of 30 or 40 in the House were submitted to the humiliation and the insult of seeing their leaders offering a political alliance to a small opposition of 15 members, and their being refused with contempt. This humiliation we have felt very strongly. I consider that if in the Conservative ranks there were traitors—I do not say there were any, for I am not sufficiently aware of the fact—that term does not apply

to us, when I take the statements made before the country in open Parliament and the challenges which were thrown down to those gentlemen, when it was said, on behalf of the Opposition, 'It is you gentlemen of the Conservative party who offered us an alliance, and it is we who refused it;' and our leaders did not utter a word by way of explanation, there is a good deal of presumption that the facts are as they are currently believed to be in the Province. Of course I feel that it is a delicate matter to speak on this subject, in the absence of those who had taken a prominent part in this transaction; but since it is before the public, I think it is our duty to give some explanation, although some hon. gentlemen may be inclined to believe that those explanations are out of place. However, they must remember that the provocation did not come from us, but from a member of the Government, who should consider that it is only reasonable for those who are attacked to defend themselves, especially against such attacks as this.

HON. MR. PLUMB—I think the remarks that have been made by the hon. gentleman who has just taken his seat must convince the House that nothing can be more inexpedient than to have such discussion sprung upon the Senate. I believe that almost every gentleman who has been sitting here has listened to it with the greatest regret, and I do not see that any practical good can come of it. Nothing can be gained by discussions of this kind where there are no questions to be settled, and it really seems to me that this House ought not to be asked to listen and to be considered as accepting statements which are made in the absence of gentlemen who ought to be in a position to defend themselves on such questions. I know nothing of the merits of the case; I do not propose to discuss those merits, but it must be obvious to every hon. gentlemen in this chamber that if discussions on this kind can be brought up at any moment with the sanction and acceptance of the House that they will be interminable. If matters connected with the local politics of each province can at any time be made the subject of discussion upon the chance utterances of public men, however responsible, our time would be taken up with that kind of discussions and this House would certainly become not what it was intended to be. This I listened to with the greatest surprise from my hon. friend from Delanaudière. I have no doubt he felt that he had great provocation, but, at the same time, it is not the sort of discussion which is useful or profitable to this House, and we ought not to be concerned in the immediate personal or political difficulties of gentlemen who, whatever their grievances may be, have more legitimate means of settling them. I do not agree with my hon. friend that because gentlemen are members of this body they can or should make of this House an arena for discussing their grievances, unless they come up in a legitimate way upon some legitimate question. It has the appearance of a discussion of a want of confidence in the Government. It cannot have any other character. A gentleman who is a member of the Government is selected as the person to be attacked; the leader of the Government is brought into the discussion, and it ends without any resolution. It has been sprung upon the House without any notice. What has been brought before the House is merely the utterance of some newspaper reporter; we do not know how accurate or inaccurate the report may be, and we have no opportunity of examining into the case, even though it should come properly under our examination. I have listened to this discussion with more surprise than to anything I have heard before becoming a member of this hon. body. And I really think I am quite within the judgment of the Senate in saying what I do upon this occasion. I say it with the greatest deference to my hon. friend who has introduced this discussion that I believe it is untimely and unprofitable to bring up questions like this in the Senate.

HON. MR. TRUDEL—Will the hon. gentleman allow me to put him a question? Does he pretend to say that if he were attacked by a member of the Government he as a public man would not have the right to defend himself in Parliament?

HON. MR. PLUMB—It would depend entirely upon the nature, the time and the manner of the attack; and when I chose to defend myself, I should certainly do it in such a way that the person who made

the attack would have an opportunity of taking his part in whatever discussion came out of it. That is the answer I give to the hon. gentleman, and I do not think I can give any other.

HON. MR. BELLEROSE—There were three ways of bringing this matter before the House; first, as a matter of privilege.

HON. SIR ALEX. CAMPBELL.—There is no question of privilege.

HON. MR. BELLEROSE—I do not say it was a question of privilege, but I might have brought it up as a question of privilege. The second was a motion reflecting upon the Government, and the third was to take advantage of the motion for adjournment, and that is the course which I have pursued. So old a politician as the hon. gentleman from Niagara ought to know that the same latitude of debate is given to members on a motion for adjournment as on a motion of want of confidence. It may have been more convenient to adopt another course, but I did it in the most direct and speedy manner. The House must see that I do not wish to prolong a discussion of this subject, because I have not said half that is within my knowledge. I and other gentlemen have been attacked, and we are bound to defend ourselves. I shall not submit to such attacks unless I am guilty, but when I am not guilty I shall not silently submit to them. This is the first time, either in this or in the other House, that a word has been uttered by me against the Hon. Secretary of State, and I have only spoken now because I have been attacked and slandered.

The motion was agreed to, and the Senate adjourned at 5.15 p. m.

THE SENATE.

Ottawa, Wednesday, April 11, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ONTARIO AND QUEBEC RAILWAY.

REPORTED FROM COMMITTEE.

HON. MR. VIDAL from the Committee on Railways, Telegraphs, and Harbors, reported Bill (27), "An Act to incorporate the Ontario and Quebec Railway Company," without any amendment.

The report was concurred in and the Bill was ordered for third reading tomorrow.

A STANDARD MERIDIAN.

ENQUIRY.

HON. MR. ALLAN rose to call attention to the return to an Address of this House to His Excellency the Governor General, dated the sixth day of March instant, praying that His Excellency would be pleased to cause to be laid on the table of this House, a copy of the Memorial addressed to His Excellency rom the Royal Society of Canada, and the Canadian Institute of Toronto, and of any documents connected with the Memmorials, relative to the representation of Canada in the International Conference to determine a standard meridian now contemplated by the Congress of the United States, and to enquire whether the Government will take measures to cause Canada to be represented at the International Conference above referred to.

He said: The object which I have in view is to call attention to a return to an address which I moved on the 6th of March last for copies of memorials addressed to His Excellency the Governor-General from the Royal Society of Canada and the Canadian Institute of Toronto, and certain documents connected with those memorials relative to the representation of Canada in the International Conference to determine a standard meridian. In answer to that address copies of these documents were brought down by the Government, and having been printed and distributed, I presume I may take it for granted that hon. gentlemen are all acquainted with their contents. I may, however, briefly state that the subject referred to in these papers, the establishment of a universal system of time reckoning, or cosmop-

olitan time as it has been termed, and the choice of a prime meridian common to all nations, has for several years past engaged the attention of various scientific bodies and individuals both in Great Britain and the United States, Russia, France, Belgium and other countries in Europe. Year by year, the requirements of modern civilization, consequent upon the wonderful development and extension of railways and telegraph lines over the globe, have contributed to make the subject one of still more importance and interest. For us especially it is a matter of great interest, and I would quote the words of one of the papers which have been printed to show that the question is for us a matter of very great public importance :—

The gigantic system of railways and telegraphs which has been established in America, has developed social and commercial conditions which never previously existed in the history of the human race. These conditions have affected the relations of time and distance, in a manner which shows that the system of notation which we have inherited is defective; that it leads to confusion, causes loss of time, and disturbs the arrangements of travellers and business men; that it frequently results in loss of life, and leads to difficulties of various kinds: that under the circumstances which have followed the extensive employment of steam and electricity as means of rapid communication, it is generally inappropriate.

I would further venture to quote another extract :—

The system we follow and which has been followed for ages was quite unobjectionable half a century ago, when the electric telegraph was unknown and the horse was almost the only locomotive. The system is based on the theory that time is regulated everywhere by the passage of the sun over the meridian of each seperate locality; that the period between any two solar passages, at any one place, is divided into halves, known as *ante-meridian* and *post-meridian*, each half being sub-divided into twelve hours, and that the two halves together constitute a day.

According to the recognized theory, as already stated, every spot on the surface of the globe differing in longtitude has an entirely distinct day, and a local time peculiar to itself. Except on the same meridian there are no simultaneous days, or hours or minutes. Everywhere the days and divisions of the day vary, and the variations are infinite.

In the case of North America the continent extends across one hundred and five degrees of longtitude. Within its extreme eastern and western limits, it is possible to draw many thousand distinct meridians, and following rigidly the prescribed theory, we may have as many thousand standards of time, no two of which would be in harmony. The railway authorities have come face to face with the difficulty, and they have from time to time met it as circumstances dictated. In order to operate the long lines of railway with some degree of safety, each separate manager has been obliged to ignore the different local times, and arbitrarily adopt a special time for the movement of trains on the particular lines under his charge. The railway guide books publish at least seventy-five (75) irregularly chosen standards of time, employed for the running of trains in the United States and Canada. Every city and town of importance has its own time, occasionally coinciding, but frequently differing from the nearest railway standard. The public have been obliged to accommodate themselves to this irregular system, but it has become exceedingly inconvenient and irksome, and a scheme which will introduce a time-system characterized by uniformity and simplicity cannot fail to be cordially welcomed.

Now, hon. gentlemen, considerations such as these have doubtless, influenced the Congress of the United States in authorizing the President to call an International Conference to take up this important subject, and to endeavour, if possible, to fix on and recommend for universal adoption a common prime meridian to be used in reckoning longitude and the regulation of time throughout the world. In regard to the methods to be adopted to bring about this establishment of a common time reckoning I do not think it would be proper for me, nor would this be the time or place to go into any lengthened details, no matter how interesting the subject may be: moreover, I presume hon. gentlemen have already had an opportunity of reading the various suggestions as to the modes of accomplishing the desired object, in the many valuable documents which have been included in the return now before the House, but I may briefly quote from a very valuable paper read by Mr. Sandford Fleming before the International Geographical Congress at Venice in 1881 :—

It is proposed that standard time, everywhere, shall be based on the one unit measure of time, denoted by the diurnal revolution of the earth, as determined by the mean solar passage, at one particular meridian to be selected as a time zero.

The time zero to coincide with the initial or prime meridian to be common to all nations for computing terrestrial longitude.

The time zero and prime meridian of the world to be established with the concurrence of civilized nations generally.

For reasons elsewhere given it is suggested that the prime meridian and time zero shall

be established through the Pacific Ocean, entirely avoiding the land of any nationality.

For the purpose of regulating time everywhere it is proposed that the unit measure, determined as above, shall be divided into twenty-four equal parts, and that these parts shall be defined by standard time meridians, established around the globe, fifteen degrees of longitude or one hour distant from each other.

Of course the first and most important step for the International Conference to achieve will be the adoption by the representatives of the different nationalities of a common prime meridian. Hitherto the repeated efforts which have been made to gain general concurrence to the adoption of some one of the existing national meredians have failed, and proposals to select an entirely new initial line have not been more successful; but there appears to be a growing feeling in favor of the suggestion that the meredian drawn 180 degrees east and west of Greenwich, through Behring's straits, passing over no land between the Arctic and Antarctic circles, excepting a small angle of Kamtschatka, will be the one very likely to be the most acceptable. As the anti or nether meridian of Greenwich it would accommodate the greatest numbers and tonnage of the world's shipping, and there would be no difference in the charts and nautical tables. In connection with this subject we, as Canadians, have some reason to feel pride in the fact that one of the first to bring this subject to the attention of the world was a gentleman who is well known to all of us as having filled so long and ably the position of Chief Engineer of the Government Railways, the Intercolonial and the Canadian Pacific, and whose high scientific attainments have been not only recognized here but in the United States and in many countries of Europe—I mean Mr. Sanford Fleming. Mr. Fleming first read a paper on the subject of cosmopolitan time and a common prime meridian before the Canadian Institute in 1879, and his papers upon the same subject have since been brought under the notice of the Imperial Government, the Royal Society of Great Britain and the Imperial Academy of Science, of St. Petersburg, and have occupied the attention of the International Geographical Congress of the world at Venice in 1881, and also the Spanish Government, and his views have also met with a very favorable reception from the American Society for the Advancement of Science, and the American Society of Civil Engineers. It would seem, therefore, only fitting, even apart from the material interests involved in this question, that Canada, having taken a foremost part in drawing attention to the subject, should be represented at the International Conference, and it is to ascertain whether the Government have taken steps to have the Dominion so represented that this inquiry is directed.

HON. MR. ALEXANDER—There is a mystery in regard to the memorials of those respected Societies — the Royal Society and the Canadian Institute. When the hon. gentleman from Toronto (Mr. Allan) first brought this subject up, he stated his purpose was to ask the concurrence of the Senate in a resolution, urging His Excellency to use every influence with the Imperial Government to send delegates, both from Britain and from Canada to the Washington Conference. A new light appears to have dawned upon his mind since then, and he now shows a little more circumspection in simply enquiring what measures the Government will adopt to have Canada represented there. I trust that I shall not weary the House in reiterating some of the reasons why it would be most injudicious to attempt urging thus the Imperial Government, unless they deem it proper to send British delegates. What is the purpose of the conference? It is to select a Prime Standard Meridian, which shall not arouse antagonistic national jealousies—perhaps on the Pacific Ocean. This is the scheme propounded by Mr. Fleming, a very eminent engineer, and the author of this beautiful cosmopolitan theory, which sounds very plausible, and, of course, the movement is a very popular one in the United States. But how will it be regarded by the Imperial Government? Will Mr. Gladstone and Lord Granville not reason thus? That any government accepting the invitation, and sending delegates there, will have to abide by the decision or vote, or be subjected to taunts, reflecting upon the honor and dignity of the country? Can we really believe that the Imperial Government will be a party to such a movement? Is it likely that

the greatest maritime power in the world, which has for the last two centuries furnished geographical charts to ninety per cent. of the navigators of all oceans, whose prime meridian, the Royal Observatory of Greenwich, has conferred such eminent services upon the world—its mathematical geography, its astronomy and other sciences — would for one moment entertain the idea of disturbing her great first meridian? And if England's statesmen, with whom the first consideration is the honor and dignity of their country, decline to send anyone to Washington, would the hon. gentleman—who appears now not to comprehend the subject in its full bearing —desire to be sent to Washington from this dependency? Perhaps it will be replied, leave it to our Government. My answer to that is that colonial governments sometimes do strange things. It is not very long since a certain Legislature of one of the dependencies of the British Crown proffered advice to the Home Government upon an Imperial question, bringing upon us the most humiliating reproof——

HON. MR. POWER—Order!

HON. MR. ALEXANDER—And we do not forget the pleadings of one or two hon. gentlemen aiding and sussustaining such an injudicious course then; and here again to-day, upon another question, they would urge the Senate and Government to repeat a similar folly. In all public bodies and in all governments there are individuals upon whom Providence has not bestowed that higher and finer sense of self-respect—in its true sense —who do strange and reprehensible things, but I am sure that the large majority of this august body will not be a party to such a procedure.

Let us now examine how far the theories advanced by those scientists have been matured, and whether they have been approved by all our own leading engineers and scientists. (The hon. gentleman then read from the replies of Mr. Hannaford, of the Grand Trunk Railway, ex-Governor Trutch of British Columbia and W. T. Sampson of the Naval Observatery at Washington). All of these replies are taken from Mr. Fleming's own report, which go to show that many of the changes proposed, while appearing very plausible in theory, would be attended by disadvantages equal to, if not surpassing, any benefit they could confer. And is it with such theories, still unmatured, and with such conflicting and contradictory opinions, that the Government of the Dominion would urge upon the statesmen of England the proposition to disturb England's Prime Standard Meridian? We are ready to express our admiration for Mr. Fleming's industry, and genius, and science, but it will take the discussions of half a century to mature such theories as will commend themselves to the practical world.

HON. MR. ALLAN—I hardly think the House will consider it necessary for me to follow the hon. gentleman's arguments on this matter. They are beside the subject alltogether, and I presume that all that the House will require of me to justify myself for having brought the subject before the Senate is to show that it was one of sufficient importance to engage the attention of scientific bodies—those unfortunate scientists that my hon. friend seems to think so little of—in all parts of the world. In the neighbouring states it was deemed of such importance as to induce Congress to authorize their President to call an international conference on the subject. I thought these facts were sufficient to justify the resolution which I first introduced, and the inquiry I have made on this occasion; but the hon. gentleman from Woodstock (I say it with all due deference) does not seem to know altogether what he is talking about. He makes a great fuss about our dictating to the Imperial Government, and calling upon them as he asserts to alter the time-honored meridian of Greenwich, but we ask for nothing of the sort, and it is very absurd for the hon. gentleman to make such statements. All that the enquiry asks for, is, that as this country is specially interested in the subject, more particularly with regard to the matter of standard time, and apart altogether—because the two things do not necessarily go together—from the question of a standard meridian, for the purposes of navigation the Dominion should be represented at the conference, although so far as navigation is concerned, Canada is deeply interested in that question also.

All we ask is that the Government should use their influence to endeavor to have Canada represented at the Conference, but not to send a representative there to use his influence against, or to dictate to the Imperial Government in any way whatever. The hon. gentleman has also left out of his quotations all reference to the opinions of those who are in favor of the proposition. He has quoted two or three authorities against it, but he has taken no notice of the many opinions in its favor. If, then, I can show that the subject has been of sufficient importance to attract the attention of scientific men in every part of the world, and if there is to be a conference on this subject at which most of the countries of Europe will be represented, as the Dominion has taken a prominent part in bringing this subject before the public, and as this pamphlet of Mr. Fleming's has received attention in Europe as well as the United States, it is not unreasonable that Canada should ask to have a representative at this conference also.

HON. MR. VIDAL—I think there is a great deal of confusion existing in the mind of my hon. friend from Woodstock by the way in which he has mixed up two questions that are entirely diverse. As I understand the main proposition, it is a desire to have one fixed meridian, such as can be adopted and acted upon without any alteration or interference whatever in Railway or local time in any part of the world. At the present date there are six or seven principal centres from which longitude is calculated. This is extremely inconvenient. It was well enough in ages gone by when there was comparatively little commerce prevailing throughout the world, and when nations had not the intercourse with each other that they now have; but at the present day, with the free intercourse of nations so extended and still growing, it becomes of much greater importance that there should be one uniform system of indicating the longitude of every place in the world instead of calculating from the meridian of Greenwich, Washington, Berlin, or some other meridian of the present day. There should be one uniform zero line. I do not understand, as my hon friend does, that this conference will have delegated to it any power to fix a prime meridian; it will simply be a conference of scientists to see if they can recommend to the Governments of the world at large the adoption of a prime meridian, and viewing it in this light I can see a peculiar propriety in Canada having something to say in this matter, and that for a reason which has not been alluded to all. What nations are chiefly interested in this question of the longtitude of places being correctly defined throughout the globe? Are they not the nations that have the largest commerce and the greatest quantity of shipping traversing the seas; and is it not a fact that Canada rates very high in the world as a maritime power? Most assuredly it is, and have we not the right to be represented at a conference of that kind as well as smaller powers or separate kingdoms that have not one tenth the interest in it that Canada has? I think that is a very good reason why the view taken by the hon. gentleman from Toronto should be sanctioned by this Chamber. It is not an unreasonable thing to ask, and if this conference is to be held and Great Britain is to send delegates to it, that Canada also, having so deep an interest in the subject, should have the privilege of sending a delegate to take part in the deliberations there. Now a great deal of feeling has been manifested, and a great deal of indignation expressed because of a supposed attempt to disturb the meridian of Greenwich, and this speaking of a meridian in the Pacific Ocean is represented as being something very dreadful. Now, hon. gentlemen, as a matter of fact, it is the identical great circle around the globe which has been mentioned as the Greenwich Meridian. It is the meridian of 180 degrees, which forms, with the Greenwich Meridian, a perfect circle around the globe, so that there will be no alteration if that suggestion should be adopted. The greater number of the charts in the world are made upon the longtitude reckoned from the meridian of Greenwich. I think it is altogether likely that the conference assembled would take the view that it is desirable to maintain that meridian, or what is equivalent to it in the eyes of practical navigators, the meridian of 180 degrees. It would involve no alteration in any of the works on which nautical calculations are based. Now, in reference

to Railway time and the 15 degrees meridian, I do not know but it would be a very useful system to introduce, although I believe it would be found a little awkward at first, but it would not necessitate the change in clocks and in local time, suggested by the hon. gentleman, and at which one cannot help smiling. No matter what decision may be arrived at by this conference, or any other body of scientific men, the local time will be determined by the sun at that meridian; consequently it is always immutable, being determined by the sun, of course making allowance for the difference between mean time and solar time. Every place must thus always have its own local time, and the adoption of the suggested Railway time will only be what now takes place every day at the principal railway stations, as is seen at the Union Station in Toronto where there are two minute hands of the clock, one indicating the local time, and the other Montreal time. It would be a very desirable thing, in my judgment, if the railway time and the true time were so indicated at every place, instead of having it as it now is, Montreal time taken for all the places between that city and Toronto, and Toronto time for all places between Toronto and Sarnia. I contend, and I believe the contention would be maintained in a court of law, that if, for instance, a bank in Sarnia closed its doors at three o'clock by railway time, and at that time protested a note for non-payment, the promissor would have the legal right to claim that it was protested too soon. He could say it was not three o'clock at Sarnia. This division of time by 15 degrees meridian, or even hours all along, in my judgment would be found not only not confusing, but exceedingly practical and useful, and I think we see in it evidence of that shrewdness and clear perception of what is best for useful purposes in the world in Mr. Fleming's mind when he made the suggestion. I think therefore my hon. friend's calling the attention of the House to this subject is exceedingly proper, and it is desirable that if a conference is to be held our Government should take proper stops to have Canada represented by one of our scientific sons at that gathering.

Hon. Mr. POWER—I do not think that the speech of the hon. gentleman for Woodstock altogether deserves the denunciations with which it has been received. I think the hon. gentleman who has just sat down, for instance, was slightly in error when he said that sending a delegate to this conference did not in any way commit Canada to accepting its decision. Now, it seems to me that the terms of the enquiry put upon the paper by the hon. gentleman from York rather go to bear out the view expressed by the hon. gentleman from Woodstock, because it speaks of "an International Conference to determine a standard meredian." The Conference is supposed to "determine" the meredian, not to consider and enquire about it. Now, I think the hon. gentleman from Woodstock also showed a number of objections which have been taken by practical men, and men who are at the same time practical and scientific, to the proposed change, and I think that these are objections which deserve the consideration of Parliament. Looking at the return which was laid upon the table in the House, in reply to the orders moved by the hon. gentleman from York, we found the very first paragraph in the memorial of the Royal Society begins as follows:

> That for some years back the general regulation of time for railway, telegraph and scientific and all ordinary civil purposes has engaged the attention of societies and individuals in the Dominion of Canada, and in the United States of America, and elsewhere.

So the business contemplated is not merely fixing the prime meridian, but it is re-arranging all our views as to time. I have not thought over the subject and I do not propose to go into it at all: I am not qualified to do so, but I merely say this, that the standard of Greenwich suits us perfectly well, and I think we have no reason to be dissatisfied with it. I do not think the Government of this country would be justified in incurring the expense necessary to send a delegate to Washington unless it should transpire that the Imperial Government propose to take part in the Conference. If they propose to do, I think it would be perfectly right and proper for this Government to send a delegate there too.

Hon. Mr. VIDAL—That is the suggestion.

HON. MR. POWER.—If the Imperial Government do not send a representative I think it would be acting unwisely to request that Canada should be represented, and we would be exposing ourselves to a much more severe snub than we received on a former occasion to which the hon. gentleman from Woodstock, in my opinion, improperly referred.

HON. MR. VIDAL.— I did not notice the word "determine" in the inquiry: it certainly does give some weight to the objection of the hon. member from Woodstock; but if the object is to "determine a standard meridian," it would be an advantage to Great Britain to have the additional vote of Canada in favor of Greenwich.

HON. MR. POWER.—If Great Britain is to have a representative there can be no objection.

HON. SIR ALEX. CAMPBELL—I do not think there is any question here of a request to the Imperial Government or having anything to say either to Mr. Gladstone or Lord Grenville; a conference is apparently to be assembled under the auspices of the United States to consider this question. It is one of great importance, and one in which Canada is concerned in proportion to its population as deeply as any other country; we are asked to take part in that conference, it is suggested that Canada should send a representative. I would like to see the Dominion represented on such an occasion; it tends to augment the position of Canada in the world. Some years ago when there was a conference on postage regulations between various countries in order to make a postal union, we were asked to be represented, and sent a representative, and there have been other instances of the same kind showing that Canada is gradually taking a different position in the world from that which she occupied 20 years ago; such things were then done without reference to us—conferences on many subjects in which we were interested were held without any reference to us. Now we find from year to year that we are consulted and occupy a different position, they are glad to have our opinions, glad to see us represented on those occasions. Why should we not have a representative in Washington, when this subject is to be discussed? No one is to be harmed by it, and it tends to augment the position which Canada occupies in the world. Whatever may be said in this resolution, nothing can be determined at that conference which will be obligatory upon any nation; it is to be a meeting, not of ambassadors to negotiate, but of scientific men to consider the subject of a standard meridian and to make representation to their respective governments. The Imperial Government will no doubt take its own course on the subject. I understand that the feeling in the United States is in favor of the prime meridian being that of Greenwich, and the probabilities are, so far as anyone knows, that that will be the standard which the conference will adopt. I do not see why we should not be represented.

HON. MR. POWER—If England is?

HON. SIR ALEX. CAMPBELL—Certainly if England is. In answer to the hon. gentleman's question, I have pleasure in stating that the Government will take steps to have Canada represented at the Conference; we understand that this will be done without entailing any expense on the country. We are told that there are gentlemen who take so much interest in this question (who can represent Canada worthily and advantageously) that they will be glad to attend there, armed only with the degree of position and influence which a commission from the Government can give. We propose to be represented in that way at the Conference.

MONTREAL HARBOR COMMISSIONERS.

INQUIRY.

HON. MR. TRUDEL rose to inquire whether the Government intends to repeal the Order in Council of the 26th July, 1882, approving the new By-Laws of the Harbor Commissioners of Montreal, and particular Article 142 of the said By-Laws?

He said: The by-law in question has reference to the pilotage service between Montreal and Quebec, that is on that part of the river which is under the control of

the Harbor Commissioners of Montreal. It reads as follows :—

"Article 85 of the said regulations is amended by adding the following which will hereafter be part of the said article, and will read as follows :—If such accident consist in the grounding or stranding of any vessel in charge of any pilot, or the collision of the said vessel with any other vessel, the pilot shall be *ipso facto* suspended in the exercise of his functions as such pilot until the cause of the said accident has been investigated and the decision of the Harbor Commissioners be given, or for a longer time if necessary, which time will be determined by the said Commissioners, and in such case the said pilot shall be obliged to surrender his license as pilot to the Harbor Commissioners at the same time as the report requested by the said article."

As hon. gentlemen will see the mere fact of the accident taking place according to this regulation which has been put in force by the Order-in-Council of the 26th of July last, cancels the license of the pilot. Hon. gentlemen are aware that according to the law of the country, as soon as a vessel enters within the jurisdiction of the Harbor Commissioners, or, I may say, the jurisdiction of the pilots of that section of the river, the command of the vessel belongs *ipso facto* to the authority on board, that is, the pilot who presents himself and is taken on board. and this for the very good reason that vessels coming from foreign countries are not supposed to have amongst the crew any officer who knows the river sufficiently well to manage the vessel. Therefore the pilot is considered by law, not only as the more competent officer to command the vessel, but as the only competent officer. Every one knows that accidents may, and very often do, take place without the pilot being in fault, and it may happen sometimes that the stranding or grounding of a vessel may be an act of ability or discretion, for it would certainly be an act of ability, supposing that a vessel is about to founder, if the pilot by clever management succeeds in stranding her, and so saves both vessel and cargo. But according to this by-law the very fact of stranding the vessel subjects the pilot to suspension, and it may be at the very time when his authority and his experience are specially required. If it is admitted, (and it is the view of the whole country,) that he is the most competent officer on board, it is clear that when the vessel is suffering from some accident the action of the main officer on board is required. It is therefore very evident that this regulation puts the pilots in such a position as to render them entirely helpless ; and in the meantime it may be a source of danger to the public interest, and of loss to the insurance companies and owners of ships, because they may require the services of a pilot more at such a juncture, than at any other time. About five or six weeks ago, when I gave notice of this enquiry, a deputation of pilots waited upon two of the Ministers of the Crown, but more especially upon the Minister of Marine and Fisheries, and they received an assurance that the case would be examined, and that correspondence would take place with the Harbor Commissioners. I do not know exactly what has been done, but of course the opening of navigation is not now very far distant, and it is not necessary for me to insist upon the point that the pilots are put in a very false position. I hope that the Government, if they have not already done so, will speedily come to a conclusion on this subject.

HON. SIR ALEX. CAMPBELL—The Government quite recognize the importance of this matter, but have not been able to come to a conclusion upon it. I spoke to the Minister of Marine two or three days ago, for the second or third time, with reference to this question, and he told me he was then still unable to give me a reply, as he had not been able to satisfy himself ; he however said he would give me an answer in a few days.

HON. MR. MILLER—I do not think the question is at all so pressing as my hon. friend has endeavored to make it appear to the House, and for various reasons. The Harbor Commissioners, I presume, are a body of men selected by the Government and well qualified to make regulations in relation to this question. These by-laws, or regulations, are not absolutely made by the Harbor Commissioners, but have to undergo the criticism and approval of the Governor-in-Council. It is to be presumed then that they are made with due deliberation, and after full information, and that they are confirmed also only upon being represented to the Government as being such as the exigencies of trade require. Now I have noticed that wherever

any question connected with the pilots came up in either House of Parliament, there seemed to be more sympathy for the pilots than for the shipowners. It seemed as if the shipping and trade of the country, in the estimation of some gentlemen, were looked upon more as a means of obtaining a livelihood for a certain class, than for any other purpose. I say that the legislation in this Parliament, in reference to this question, has always been against the shipowners of the country—who are deserving of the greatest consideration—and in favor of the pilots as a class. Whether it is that these pilots can always command the ability and eloquence of certain gentlemen in this and the other House, for reasons I shall not enumerate, we have always seen that when the slightest apparent infrigement of their privileges was attempted, to satisfy the trade of the country, that there were hosts of able advocates ready in both branches of the legislature to espouse their cause, and even to do so without showing sufficient consideration for the care that we should all have here for the great shipping interest of the country. And now what is the hardship in this case? I am not acquainted with the by-law, and I think that my hon. friend, when calling particular attention to this subject should have had the by-law itself put upon the minutes in order that gentlemen here might understand fully his remarks. I have only had an opportunity of hearing my hon. friend read this by-law to which he makes such very strong objection. Now, for my own part, I cannot see anything wrong in this by-law, and I think it is a very proper one. I feel that the instance cited by my hon. friend as showing its injustice does not strengthen his position. He says as soon as a ship comes within the pilotage limit of the St. Lawrence, she passes into the hands of the pilot when he boards her, and from that moment the authority of the captain, as we are aware, ceases and the pilot becomes responsible for the safety of the ship and cargo. He puts the officers aside, and should be held to the strictest responsibility for the discharge of his duty, and also should be held to accountability for any accident that may occur while the ship is in his charge. Now as my hon. friend says, so soon as the pilot takes charge of the vessel, the authority of the captain is superceded, and the pilot is master; and if an accident occurs, in nine out of ten such cases, it must be through the fault of the pilot. It cannot be denied that in a river like the St. Lawrence there are no such dangers as the master of the vessel has to guard against who is in charge of a ship when sailing from port to port. In the river St. Lawrence, if an accident takes place while a ship is in charge of the pilot, it must be his fault, and if in the tenth case a pilot is innocent, is it not necessary that he should suffer in such an exceptional case, in order that a proper and wholesome rule should be enforced? But my hon. friend says, in illustrating the absurdity of the by-law, that if an accident should occur, for instance, if the ship is stranded, the authority of the pilot ceases. Well, I do not think it makes much odds if his authority does cease. If the ship is stranded I do not think there is much necessity for his authority, and probably, if he succeeds in stranding the vessel, his authority should cease. In the River St. Lawrence, I do not see that there would be much loss to shipping, if from that moment the captain be allowed to resume charge of the vessel, and save the property. I have no doubt he would be just as competent to discharge that duty—indeed, much more so than a pilot of the class on the River St. Lawrence. Under these circumstances, I am glad that the Government have hesitated about repealing this order. I have not had time to look into it carefully, because it is the first time I have heard it read; but I must say that I have a strong impression—coming from the Lower Provinces, where we are so deeply interested in shipping, and where the shipping contributes so much support to the navigation authorities generally—that the River St. Lawrence is one of the most costly places in regard to harbor fees upon the continent of America. I say that all the Maritime Province representatives are deeply interested in this question, and I as one of them would ask the Government to consider well the application that has been made to them by the pilots, or by the pilotage authority generally of the Province of Quebec, before they relax a wholesome regulation, which is in the interest of the shipping of

this country, an interest of which we hear so much from time to time in this House, and which, so far as some persons are concerned, is looked upon more as a means of supporting a larger staff of pilots than the trade of the St. Lawrence necessarily demands.

HON. MR. TRUDEL—If the House will allow me I will make a few remarks upon what has fallen from the hon. gentleman from Richmond. I think other members of this House will agree with me in coming to a conclusion that my hon. friend is not quite so competent a sailor as he is a lawyer and public man. The hon. gentleman tells us that as soon as a vessel is stranded it should require no longer to be managed by a pilot. Now he might perhaps recollect that within half an hour, by the effect of the tide, a vessel may resume its old position and be washed off the ledge or shore to which it should have been skilfully guided, and it requires all the ability of those on board to prevent such an occurence; therefore I think it is not unreasonable to ask that this law should be repealed. If the law of the country is a reasonable one when it requires a man of ability on board of a ship, I ask my hon. friend what will be the position of a vessel in such a position as I have indicated, unless there be a proper officer on board to manage her? My hon. friend is not perhaps aware that my inquiry is not to ask the repeal of an old regulation. This by-law is a new one, and navigation has been managed for many years without the existence of such a regulation; it has only been in existence since last summer.

HON. MR. MILLER.—I presume circumstances have shown the necessity for the By-law.

HON. MR. TRUDEL.—The hon. gentleman presumes, but I think that when he has examined the By-law he will, like others, come to the conclusion that it is perfectly impossible to have it executed. I might say that the Harbor Commissioners themselves recognised this, and some of them told me that if such a By-law were carried out to the letter it would be very unjust to the pilot, and they expressed their determination not to enforce it except when specially needed, so that the pilots find themselves under a regulation which is admitted to be unjust by the very body which passed it, and are left to the good will and just disposition of the Harbor Commissioners. Now, my hon. friend says that the Harbor Commissioners of Montreal ought to be well qualified; I do not question the qualification of those gentlemen, but it is well known that they are chosen from amongst people many of whom have very little knowledge of navigation. In those matters the really competent men are sailors, navigators, or pilots. My hon. friend also seems to believe that some special sympathy is extended to those pilots; I recollect one occasion on which I took up the defence of the pilot before this House, and I do not think my hon. friend can allude to any other circumstance because I think that within the last ten years no one has raised any question about the pilots, except myself, in this House—I speak of the pilots mentioned in this by-law—those of the St. Lawrence. Perhaps the hon. gentleman will recollect that in the only instance when I called the attention of the House and of the Government to the fact that the Harbor Commissioners of Montreal were prepared to make pretended improvements on the St. Lawrence, I referred specially to the works which were being constructed at Cap la Roche. I quoted then the opinion of pilots to the effect that the navigation of the St. Lawrence at that particular part of the river had not up to that time been attended with danger, and that so far from being improved by the proposed expenditure of about $160,000, it would be rendered dangerous. I had occasion to make that statement here about the beginning of May, and what was the result? About six or seven months after two vessels were destroyed there, called the "Ottawa" and the "Boyne," and a loss of more than two millions of dollars was sustained by the shipowners, the insurance companies and the trade of the country. It may be that the Harbor Commissioners are competent men, but unfortunately the Harbor Commission of Montreal is an institution which is unique in its character in this respect: it is a body that is responsible to no one. You may examine the law and you will find that such is the case; indeed it was declared by the representative of the Government in this House that it was

impossible to bring them to account, as the law did not permit it. It would therefore seem that this body has greater power than the government of the country, since there is nobody to check them. Their competency may be a matter of opinion; I know some of them whom I consider to be very competent men, but there are some among them who know nothing about navigation. At all events I have to-day merely inquired as to the intention of the Government to make a change in this by-law. I do not want to insist upon the question, but I feel if this by-law was properly placed before the House every hon. gentlemen would come to the conclusion that it cannot stand.

HON MR. KAULBACH—This is rather an irregular dicussion, but so much importance has been attached to this matter in the Maritime Provinces, that I must express the hope that the Government will not give an affirmative answer to the question just put by my hon. friend. I think it it would be very injurious to the Lower Provinces if a feeling of want of confidence should be created there in connection with the regulations for the protection of property on the St. Lawrence. I know several of the Montreal Harbor Commissioners, and I believe they are generally quite capable for the duties they are called upon to perform. I am not familiar with all the provisions of the By-law in question, but as it has been passed by the Harbor Commissioners, and approved by the Government, I shall be very sorry if any questions raised in this way have the effect of destroying its usefulness. I am personally somewhat interested in the shipping trade of Montreal, and I am unwilling that anything should be done to take away the confidence which is now reposed in the skill and ability of the pilots who are entrusted with our property in coming up the river. If there is any dereliction of duty, any want of calculation or skill on the part of the pilots, I think an example should be made of them, and I think, when an accident happens to any vessel in their charge, their power over that vessel should cease, and the persons who under ordinary circumstances have control of the property should take charge of the vessel.

BILLS INTRODUCED.

The following Bills from the House of Commons were received and read the first time:—

Bill (43) "An Act to amend the Act to Incorporate the Missionary Society of the Wesleyan Methodist Church in Canada." (Mr. Vidal).

Bill (53) "An Act to declare the Meaning and Effect of certain provisions of the Act to Incorporate the London Ontario Investment Company, Limited." (Mr. Plumb).

HON. MR. MILLER.—Can the hon. gentleman assure the House, before the second reading, whether this Bill has been reported upon by the Standing Orders Committee?

HON. MR. PLUMB.—I am unable to answer that question.

The SPEAKER.—Perhaps he will be prepared before the second reading.

Bill (58) "An Act to amend the several Acts incorporating the Portage, Westbourne and Northwest Railway Company, and to change the name thereof to the Manitoba and Northwest Railway of Canada."—(Mr. Plumb),

Bill (50) "An Act to amend an Act respecting the Credit Valley Railway Company."—(Mr. Allan).

Bill (26) "An Act to incorporate a company, under the name of the Rathbun Company."

PRESBYTERIAN WIDOWS AND ORPHANS' BILL.

SECOND READING.

HON. MR. BOURINOT moved the second reading of Bill (63) "An Act to amalgamate the Presbyterian Ministers' Widows and Orphans Fund in connection with the Presbyterian Church of the Lower Provinces, and the Widows and Orphans Fund of the Presbyterian Church in the Maritime Provinces in connection with the Church of Scotland, and to create a Corporation to administer such Funds."

He said: I will not go into the details of this Bill, as, no doubt, the Committee to which I propose to refer it will examine

its provisions very carefully. I therefore beg to move that it be read the second time and referred to the Committee on Standing Orders and Private Bills.

The motion was agreed to and the Bill was read the second time.

LIBRARY OF PARLIAMENT.

FIRST REPORT OF THE JOINT COMMITTEE.

HON. MR. ALLAN presented the first report of the Joint Committee on the Library of Parliament.

He said: The report has been printed, and will be found in the minutes; I need therefore only allude very shortly to the two or three matters to which it refers. The first is with regard to the necessity for making adequate provision for the enlargement and perfecting of the Library, which has fallen considerably into arrear in the important section of works in relation to the North American continent, and in regard to subjects of scientific enquiry, which is mainly owing to the large expenditure for law books for the Supreme Court. It is proposed that all the text books, save those on constitutional law, and such other as should be found in a general Parliamentary Library, as, for example, works on criminal law, be kept with the Reports in the Supreme Court Building: that this Law Library be placed under the control and management of the Department of Justice, which should apply for the necessary votes for its maintenance and management, and that it be no longer treated as part of the Library of Parliament; subject however to the reserved right of Members of both Houses to preferential access to, and use in the Library and the Parliament buildings of any of the books. Then again they agree to the report of the sub-committee that the Library cannot be brought to any reasonable degree of efficiency without increasing the present grant, and they recommend that for five years to come the sum of $12,000 should be provided for the augmentation of the Library; especially in the direction above stated, leaving it to the department of Justice to apply for whatever moneys may need to be voted on behalf of the law Library assigned for the use of the Supreme Court. The next is the question of the salaries of the Library staff; they make recommendations as to the salaries of certain officers which, I presume, will come more especially within the province of the other House, and not of the Senate. Lastly they report upon an application of Mr. J. G. Bourinot, clerk of the House of Commons, for the publication of a work on which he has been engaged for some years, in relation to the practice and procedure of Parliament. The committee, being satisfied of the great value of this publication, recommend that 300 copies be purchased, at $5 per copy, for the use of members of Parliament. The last recommendation of the Committee is in the direction of procuring a complete set of all the printed journals, statutes, and official records of the several provinces, now forming part of the Dominion of Canada, from the earliest date; as well as of the official publications of Canada, since Confederation; which shall be retained for reference in the Library only, and not permitted to be taken out of the Building. They have accordingly instructed the librarian to make application for such books in all available directions; and they invite the co-operation of the Executive Government in the furtherance of this undertaking. I beg to move that the report be concurred in.

HON. SIR ALEX. CAMPBELL.—I do not know whether it is quite regular to move the adoption in this House of a report from a Joint Committee, involving the expenditure of money, until it has received the approval of the other branch of the Legislature. I have asked the Clerk just now, and I am informed that reference to the reports of the Joint Committee on Printing is not generally made here until the other House has passed upon the expenditure. I would say, as a Minister of the Government, that if it has not met with approbation I cannot express an opinion upon the expenditure referred to in the Report.

HON. MR. ALLAN.—I was under the impression that, when it was sent to me from the Library by Mr. Todd, the Report had already been submitted to the House of Commons.

HON. MR. ALMON.—I think that any person who has made any use of this

Library must see that the money used in the purchase of books has been very badly expended. We have only to look at the last catalogue published, and compare it with the earlier editions, to see that if the same judgment had been exercised in the purchasing during the past years as has been recently, we would not now have the good Library which really exists. There were $2,000 expended in the purchase of books from the library of the late Dr. O'Callaghan, and on looking over the list it seems quite clear that $100 would have been an ample price for all we received there. I do not blame Dr. Todd; we are all proud of having him in his position, and as a constitutional authority he is unequalled; but you cannot expect that one man can keep in his mind all the literature of the day, biographical, historical, and all other subjects. We have a legislative library in the province of Nova Scotia, and the money expended there has been very small in amount, but it has been spent with great judgment, and the result is most gratifying. The librarian does not purchase the books, but there is a committee of four appointed by the Historical Society, and four appointed by the Government, who are not connected with the legislature, at all events I have had the honor to be one of them—and another four are appointed by the Government. They make out a list—our Lieutenant Governor, (Mr. Archibald,) alone being well qualified to do that—and so take the whole burden off the librarian and Government. I am convinced that, notwithstanding the small sum we have expended there, we can shew more useful works than have resulted here from a much larger outlay; I say that advisedly. I am very willing to have it tried, to get a catalogue of the books we obtained by the last order. If hon. gentlemen will get a catalogue of the books we obtained on the last order we sent to England, they will find that for a sum less than one thousand dollars, we get more benefit than has been derived from all the money that has been expended during the last year in this library. Before we vote more money I think we should have an entire change made in the mode of selecting the books from that which prevails at present. There should be someone of good judgment, and with plenty of leisure time to assist the Librarian to select the books; if not I should rather get Mr. Dawson of Montreal, or some other well known book seller to import books for us. This is a subject in which I am very much interested, and one on which I think I am better qualified to speak than on many others, and I must certainly oppose the motion of my hon friend from Toronto, unless the change I have intimated is carried out.

HON. MR. KAULBACH—I have not read the report until now, and I do not intend to make any comments on it, except on that portion referring to the taking away of the law books to the Supreme Court. I think the law library should be here, and any books required for the Supreme Court should be provided for it. I have found since I have been here this session that when I have gone to the library to look for text books I could not get them, and when I asked where they were, I found that they had been taken down to the Court. I think it would be more in the interest of the general public that the law books should remain in the library, and that duplicates should be provided for the Supreme Court.

HON. MR. M'ASSON—I am of a different opinion from that expressed by the hon. gentleman from Halifax (Mr. Almon) speaking with reference to the book purchased in New York at the sale of the O'Callaghan library. I think Mr. Todd has made a very good bargain. There are no books in Canada more expensive than those relating to the early history of this country, and the reason is obvious. The editions published of such books are very small; the population of the country is constantly increasing, and the demand for such books by public and private libraries is increasing in the same proportion. Some of the books purchased at the sale have been obtained at half the price they can be got in Canada even when there is a chance of getting them, from the second-hand book stores. I know there is one book of Harmon's on the North-West, that has been purchased at $4.00, I have myself paid $6.00 for a copy of it. There are books in the collection dating as far back as 1730, that are almost impossible to be obtained "Hawkin's Picture of Quebec," and "Hochelaga Depicted" are worth from $10 to $15 each.

HON. MR. DE BOUCHERVILLE.—I have myself paid $16 for a copy of "Hawkin's Picture of Quebec."

HON. MR. MASSON.—I think if the hon. gentleman goes thoroughly through the list of books that have been purchased, he will see that the officer who attended the sale has, on the whole, made a very good selection.

HON. MR. HAYTHORNE—There is a kindred subject generally remitted to the Library Committee which, though it does not relate to books is one of considerable interest. I allude to a certain cabinet of coins that has been year after year offered to the Government on what I consider moderate terms. Again and again has the question of purchasing this collection for the Library been referred to the Committee, who have reported as strongly as possible to the Government that means should be taken to procure an appropriation if possible for the purpose. Last year I was in hopes that the subject had reached a point that would bring matters to a crisis. I formed one of the sub-committee appointed to consider this question, and we strongly advised, taking the circumstances of the country into consideration, and the abundance of funds in the treasury, that this collection of coins which I may state are exceedingly beautiful and perfect, representing the history of Canada from the earliest period down to the present day, should be secured for the Library. I was much disappointed however to find that the matter still remains where it was last year, and I take this opportunity to ask the Minister of Justice if he can give Parliament and the country any hope that the Government will take action in this matter in the direction recommended by the Committee.

HON. MR. POWER—I think that my hon. colleague from Halifax, was not altogether correct as to the mode in which the books were selected for the Parliamentary Library. I am free to confess that until this year I was very much of the opinion of the hon. gentleman, but having been put on the Library Committee this session, I made it a point to ask the Librarian how the books were ordered, and I learned from him that they are not ordered in the way my hon. friend supposed. At a recent meeting, a Sub-Committee was appointed to assist the Librarian in making out the list of books to be ordered; and I think that the catalogue of new books added to the Library during the past twelve months, makes a better exhibition than usual. There is one very important matter in connection with the Library, which I think deserves the serious consideration of the Minister of Justice. Until a few months ago the Supreme Court sat in this building. The consequenee of that was that the law books in the Library were available for the use of Parliament and of the barristers practising in the Supreme Court. Since the removal of the Supreme Court, the country will be obliged to provide either for the Parliamentary Library or through the Minister of Justice for the law library, duplicates of many expensive works. As it is understood that the Government are about largely increasing the accommodation for the public offices it is worthy of the consideration of the Minister of Justice, whether the Supreme Court could not be brought back to this building. I think in every way it was much more convenient to have the Supreme Court close to the Library and close to the two Houses of Parliament. There is this objection to the practical carrying out of the recommendation of the Committee for the transfer of all the text books as well as reports to the Supreme Court building. That building is so small, and so cut up into small rooms for the convenience of the judges and barristers that there is really no suitable accommodation for a large number of books in the building, and if all those text books are taken down there, they will be almost inaccessible to the barristers, for the only place where there is any room to store them is in the Judges' consulting room, and the Judges have very strong objections to barristers going in there for the purpose of consulting those works. There is one other feature about this report which I do not altogether admire. The sub-committee recommend that all the text books, except those having earlier editions, and text books on constitutional law, and such others as should be found in the general Parliamentary Library, as, for example, works on criminal law, be kept with the reports in the Supreme Court buildings. I do not see that Parlia-

ment is not as well entitled to have the later editions of text books as the Supreme Court. I am sure the hon. gentleman who moves the adoption of the report quite agrees with me in thinking that all the members of the Library Committee were impressed with the inconvenience of the removal of the Supreme Court from the Parliament buildings, and I hope the Government will be able at some future day to remove the Court back. I do not think that the reading-room, which has taken the place of the Supreme Court is utilized to such an extent as to justify the removal of the Court from that part of the buildings.

HON. MR. ALMON—With regard to the value of the books in the O'Callaghan Library, I may say Mr. Dawson of Montreal told me that he sent on a man to attend the sale, who reported to him that the books sold so much beyond their intrinsic value, that he would not buy, yet we spent some $2,000 there. If any hon. gentleman will look at the catalogue and examine it he will see whether he could not, or whether I could not, or whether any body else could not have spent the money which those books have cost very much more judiciously, than it has been expended. I am a great devourer of books myself; I read almost every thing that comes along, but out of all this catalogue there are not a dozen that took my fancy, and I do not think that any gentlemen here will read more than that number of them this year. To prove that I am right let us name a committee, and let us see the letter that the Librarian has sent to the United States, and to England, and we will at once see whether the selection of the books is left to the discretion of the book publishers. I am inclined to think that you will find that the books received are not ordered in the letter he sent.

HON. SIR ALEX. CAMPBELL—I quite agree with my hon. friend that the selection of books for the Library is not in a satisfactory state; we have all felt that for a good many years past. I do not see why Parliament has not been informed as to the exact manner in which those books are ordered. I have been a member of Parliament for many years, and I do not know how those books are ordered—whether they are ordered on the Librarian's own responsibility, or whether he leaves a large latitude to those who supply him to make the selection, which, of course, is not satisfactory. The difficulty is to get people to attend to the matter. My hon. friend from Halifax, who would be a very proper person to attend to it, goes back to Halifax after the Session, and it is impossible that he can give his attention to it. To do so in a satisfactory way requires the continual presence in Ottawa of persons who take an interest in the Library, and who would from time to time, as the orders are sent, assist the librarian and assume the responsibility of the selection. Or let there be instructions from the Committee that no orders shall be sent except during the session after revision by the Library Committee. One of these methods must be adopted before we can get a satisfactory system of keeping the library up to a proper standard. I should think that the first mode would be the better one, if Parliament would entrust that duty to some committee who would be constantly in Ottawa—a committee of certain members of the Government, if there was no objection to it—who would supervise that matter. I would recommend one or the other of these two plans. In the meantime I think Parliament should know exactly how the books are ordered, and who it is exercises a choice on this subject.

With reference to the collection of coins referred to by the hon. gentleman from Prince Edward Island, a vote was taken last Session for the purpose of buying it. The vote was for the coins, and a descriptive catalogue of them. After the Session Mr. Hart, of Montreal, the owner of the collection, was communicated with, and he was asked to prepare a catalogue of the coins, which, I am told, he can prepare better than any other person, having studied the subject carefully and taken a deep interest in it. This descriptive catalogue would give a value to the coins that they would not otherwise have. He is now preparing the catalogue, and as soon as it is completed and furnished to the department, the money will be paid to him. With regard to the Supreme Court I have not heard from anyone except from the member from Halifax that it is supposed to be inconveniently placed where it is at present.

It was removed from this building because the House of Commons people complained of want of space on their side, and it was placed in buildings belonging to the Government which could be turned to that purpose at a very small expense. The accomodations there seem to be good, and I think space can be found there for any additional books which may be needed, by changes which will probably be made in the Art Gallery. The hon. member from Halifax drew attention to a portion of the report of the Committee recommending that the earlier editions of text-books on constitutional law be kept, and he asks why should not the later editions be retained here. That is the report of the sub-Committee. The report of the Committee does not adopt this recommendation, but says that such text-books only be retained in the Library of Parliament, or hereafter added there, as may be necessary for the use of the members in the discharge of their duties as such. So that the Committee does not adopt the suggestion of the sub-Committee, but proposes that the only text-books should be those that are necessary for the convenience of Parliament on subjects of constitutional law, and that as they are added to from time to time some guide should be observed, that those law books should not be retained which are required by lawyers in arguing cases in court, but that all text-books of that character should be allowed to go to the Supreme Court, while the text-books upon any subject likely to engage the attention of Parliament should remain in the Library, and should be added to from time to time, seeing evidently that it is intended that later editions of these books should be procured. With reference to the general question of turning over the law library, except authorities upon constitutional law and such subjects to the Library of the Supreme Court, most of the lawyers in the House of Parliament, many of whom are eminent in the profession, agree that that would be the most convenient way. It is very seldom that a member of Parliament has occasion to refer to the other class of books, such for instance, as text books upon conveyancing, or the questions that ordinarily come up before the bar. It would be a great expense to keep up two series of reports, and as the whole country is deeply interested in the decisions of the Supreme Court, and desirous that the judges should have every opportunity of arriving at sound conclusions in the cases submitted for their adjudication, they therefore think those judges ought to have those reports, and also all text-books not required by members in the discharge of their functions, as such. That seems to be the scope of this report.

I am disposed to think that the recommendations are sound, and ought to receive, and will receive, in due course, the sanction of both Houses of Parliament. I know that some of the most eminent lawyers in the other House say that the plan proposed is one that would tend to the convenience of the Judges of the Supreme Court, and those who practise before them, and also to the convenience of the members of Parliament, who would have all the text-books they require, and would not be confused with a large mass of literature which they did not want to study, and was simply a burden.

Now I believe, notwithstanding what I have said, that a great portion of the law library is not useful in either place, and that a great many books, earlier editions of text-books and so forth, have accumulated which are really of no value whatever, and ought to be disposed of in some other direction, and, as Minister of Justice, I have proposed, if this report be ultimately adopted, to make a selection from that class of text-books, which should go to the Supreme Court, and to dispose of the remainder in some other way, but I do think the division which is contemplated will give the more strictly legal class of books to the Supreme Court where they can be best availed of to the general advantage of the community.

HON. MR. MILLER—With a right of preference upon the part of members of Parliament of course?

HON. SIR ALEX. CAMPBELL—I hope my hon. friend who has charge of this report will defer consideration of it until it has been adopted in the other House, as the expenditure involved must first be sanctioned by that body.

HON. MR. ALLAN—I have no objection to deferring the consideration of the report until it has been before the

House of Commons. I was under the impression that it had been down already, and had been sanctioned there. I will however take this opportunity of answering one question which has been asked as to the person upon whom the responsibility lies for the ordering of books. Mr. Todd of course is primarily responsible. He takes all the means in his power of keeping himself thoroughly acquainted with all the new books that are being issued, by means of the reviews and literary papers. As far as he can do so he keeps himself *au courant* with all that sort of thing, and makes out his lists accordingly, but he also allows a certain amount of latitude to some publishers in case there should be any work of merit which may have escaped his notice to include it in the order sheet then. I do not think that the criticisms of the hon. member from Halifax, upon Mr. Todd's abilities as a librarian, are quite justifiable. Of course there can be no question about his knowledge of parliamentary law, but I do not think anybody could have very much to do with Mr. Todd without being fully convinced that he is a man possessing a thorough acquaintance with books, and a man of great literary acquirements. The very assistance which has been spoken of, has been invited by Mr. Todd again and again, but as the hon. Minister of Justice has said, the difficulty has been to have that assistance effectively rendered. Gentlemen have again and again been named to assist in the selection of books, and they have undertaken the task, but they have gone away from Ottawa without accomplishing anything, and nothing further has been done. A motion was made the other day for the appointment of a sort of advisory committee to assist Mr. Todd, and if anything of that kind could be carried out it would be a great boon, because no doubt many of the books in the Library are open to the criticism made by my hon. friend behind me. There are a number of books in the Library which, I think, many private collectors would not care to have upon their shelves. At the same time it is a very difficult task for anyone to undertake, because hon. gentlemen must remember that before carrying it out efficiently and well, a man must keep himself thoroughly posted in all that is going on in the world of books constantly being brought out, which is no very light or easy undertaking. Not only that, but a man may have a particular taste or pursuit, and if so, be is very apt to think that the works upon that special subject are the most important books that can be ordered, and consequently his suggestions might be very one-sided. To have really efficient assistance it would require that two or three gentlemen should undertake the work, for the pure love of the thing, and do their duty very faithfully. Mr. Todd has again and again expressed his desire to act with such a committee, but even should that committee be appointed, and enter upon the work, the main responsibility for the selection of the books would still rest upon him.

With regard to the question of the law books, this report of the sub-Committee was drawn up by legal gentlemen of high standing from different parts of the Dominion, and the idea was that if, in the Library of Parliament, there was a complete collection of authorities upon parliamentary law, and that collection was carefully kept up, all other law books had better be in the Supreme Court. It was not to be supposed that legal gentlemen came here to practice their profession, but to act as legislators. The purchase of law books has been a heavy drain upon the funds of the library, and the consequence has been that the general collection has gone down very much indeed, and the library is now far from being what it should be, and much behind public collections in other parts of the world. I have no objection to postponing the consideration of the report until some day next week, Wednesday, for instance.

Hon. Mr. POWER—The remarks I made a little while ago seem to have been misapprehended, and I wish to explain that I do not at all object to the general terms of the report; I simply did not wish to have the report adopted without calling attention to the paragraph which I thought would probably hereafter cramp the Parliamentary Library so far as legal works were concerned. I wished to call the attention of the hon. Minister of Justice to the fact that the report of the Library Committee recommends the adoption of the report of the sub-committee. In the paragraph immediately following the one the hon.

gentleman read he will find that they agree to the report of the sub-committee, and that that is recommended to Parliament. The paragraph I should have called attention to is the first upon page 200.

"They recommend that the future purchase of law books for the Library be limited to the Supreme Court reports, and to text-books on questions of constitutional law, which will involve only a limited expense."

I wish to say that I think that is a rather limited catalogue. There are a great many other books besides works on constitutional law which are important, and necessary, to a Parliamentary library; such, for instance, as works upon criminal law, like Stephen's Digest, and others of similar nature.

HON. MR. KAULBACH—I want to make one remark. This is a Parliamentary Library, and I think it is going rather too far when a Committee would take from that Library a number of books and give them to the Supreme Court. This being a Parliamentary Library, the books which one would look for there are not such books as one might require in professional practice, but such works as one would wish to refer to in pursuance of his duties as a parliamentarian in this House If this is a parliamentary library, and the books are considered necessary for Parliament, they should remain in the library, and not be sent to the Supreme Court. If that be not the case—if those books are not required here—they should never have been brought into the library at all. I believe there are many works which we ought to have, but which are not in the library, books which the law clerk requires in the performance of his duties with regard to the bills coming before the House. It is important for him, as well as the members of Parliament, that there should be a law library to which they can have ready access.

The further consideration of the report was postponed until Wednesday next.

CREDIT FONCIER FRANCO-CANADIEN COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (22) "An Act respecting the Crédit Foncier Franco-Canadien Co."

He said: This Bill was put into my hands yesterday, and I was asked to make an explanation about it. When the charter of this Company was granted, the rate of interest was limited to six per cent. It had large privileges, but those privileges have since been abandoned. It has now taken the position of an ordinary money lending company, and it asks that it may be permitted to increase the rate of interest on its loans to eight per cent. It concedes the privilege to persons borrowing upon mortgage to reduce the mortgage before it comes due, and it binds itself to make certain statements which it was not bound to make under its charter. I had a very serious objection to the charter when it was granted. However it has become law, and I think this legislation is a step in the right direction. It renders the position of the corporation less objectionable than it was before.

HON. MR. KAULBACH.—How does it affect existing loans?

HON. MR. PLUMB.—The Bill is not retroactive; any contracts which have been made will not be interfered with.

HON. MR. POWER.—I do not think this is a Bill the second reading of which should go as a matter of course. This French Company came to the Dominion and represented that it was ready to lend money at a much lower rate of interest than the companies already existing in Canada were prepared to do. In consequence of the very favorable terms which they offered in asking only six per cent. when others were demanding seven and eight, they invested large sums of money in various parts of the country, more particularly in Quebec and Prince Edward Island. Now, having got a number of persons on their books in debt to them, they come to Parliament and ask to be allowed to raise the rate of interest from six to eight per cent.

HON. MR. PLUMB—That refers to future loans only.

HON. MR. POWER—I will show the hon. gentleman in a moment how it will affect existing loans. As a rule those sums of money have been loaned to far-

mers. Any person who has had experience in connection with money lending knows that it occasionally happens that the farmers are not able to pay the instalments to those societies on the dates they fall due. The practical operation of this Bill will be that probably a majority of the persons who have borrowed money from this society will within a year from now be in arrears on some particular payment, and the moment a borrower gets in arrears on a single payment this company can demand the principal—without the three months notice I presume; then if the borrower has not the principal ready, as in all probability he will not have, the company will let him retain it at eight per cent. instead of six. The practical effect of this will be to allow this company within two or three years to increase the rate upon all their loans from 6 to 8 per cent. That may or may not be right, but I think that the House should clearly understand what the Bill means before reading it the second time. To a certain extent in allowing the Company to do that we are permitting them to perpetrate a breach of faith. They came to this country and got their charter from the Legislature of Quebec in a great measure because they offered to lend money at this low rate. All the comparatively poor people throughout the country borrowed money at six per cent, and it would be a breach of faith towards the Parliament that granted their charter, and the people who borrowed money from them, to alter the rate now, as is proposed by this Bill, from six to eight per cent.

HON. MR. PLUMB—The special privileges which were granted to the Credit Foncier have been renounced; the preamble reads in this way:—

> "Whereas the shareholders of the "Credit Foncier Franco-Canadien" have renounced the privilege granted it by section one hundred and twenty-seven of the Act of the Province of Quebec, incorporating the said Company; and whereas proclamation thereof has been duly made, and whereas it is expedient to assimilate the charter and powers of the said Company to those of other loan companies of a similar character, doing business in the Dominion of Canada."

I know this Company has no power of collecting its debts which every other loan company has not got. If a person does not pay his mortgage I suppose the result of his default is the same in dealing with this Company as in transactions with other loan companies. I do not see anything in this Bill which will in any way act as my hon. friend stated. If any person has borrowed from the Company on mortgage, I suppose the borrower is under an obligation to fulfil his contract, whatever it may be, and I cannot conceive that there is any special hardship in asking him to do so. The rate of interest, I understand, upon such loans is usually from six to eight per cent., and the Company will get just as much interest as they can, up to eight per cent., but cannot get more. Other companies of a similar character have had these privileges granted to them, and I do not think that the objections urged by the senior member from Halifax, for whose political accumen I have the greatest respect, and of which we have such abundant specimens on every subject that comes before us, are of sufficient weight as to show that this Bill should not pass.

HON. MR. MILLER—If the statements made by the hon. gentleman who has just addressed the House are correct the provinces most interested in the Bill are Quebec and Prince Edward Island. I do not think that Nova Scotia has much interest in it. I am not aware that any considerable quantity of money has been loaned in Nova Scotia by this association, and as I do not see the members from Quebec or Prince Edward Island are alarmed about the injustice which is likely to follow it this Company's charter should be amended by this Bill, I do not see any great reason why I should be specially anxious on the subject. I do not see anything in the principle of the Bill that is objectionable, and if there is anything in the details of the measure, of course we will have an opportunity to discuss them when it is before the Committee. I do not think the argument of the hon. member from Halifax is really a very forcible one, the parties who borrowed this money did so under a contract, the terms of which they are bound to fulfil. If they do not they must take the consequences of their default.

HON. SIR ALEX. CAMPBELL—I hope the Bill will be read the second

time. I shall give it my support at all events, but I rise to call attention to the language used in the second clause, to which the hon. gentleman from Halifax has already referred, and which is not made as clear as it should be. In the first part of it provision is made that it should be lawful for the said corporation "at all times, etc." It may be that this only relates to loans in the future.

HON. MR. MILLER—That cannot have a retrospective effect on contracts existing.

HON. SIR ALEX. CAMPBELL.—It is as well to guard against any construction to the contrary. The power which they give to their debtors, in the 3rd section, is a very good one, and one which the debtors ought to be glad to secure, because it is more liberal than the power which is given in Ontario by the statute known as "Dr. Orton's Act," passed two or three sessions ago. In that measure the time is limited to 5 years. Now under this Bill a mortgage, if having more than 5 years to run, can be paid up in part or in whole, so there is an advantage in that respect, and I think it will enure very greatly to the benefit of those who have borrowed from this company. Then it is also an advantage to the public to have these returns. I think the Bill should receive the sanction of the House.

HON. MR. HAYTHORNE—Reference having been made to the Province from which I come, I wish to state that personally I have no means of knowing what amount of money has been invested in this way in Prince Edward Island, but I do know that a vast number of applications were made to this Company when it was understood that money was to be loaned by them on more liberal terms than we have been accustomed to in that Province. A well conducted company, lending money at low rates of interest, would be of great service to any community, particularly such a one as exists in Prince Edward Island. But its benefits must depend on the moderation of the rates of interest. At the time this company was incorporated its rates were exceedingly moderate, and if they had remained so it would have been of great benefit to the Province.

The motion was agreed to, and the Bill was read the second time.

SASKATCHEWAN UNIVERSITY BILL.

THIRD READING.

HON. MR. ALLAN moved the second reading of Bill (18), "An Act to incorporate the University of Saskatchewan and to authorise the establishment of Colleges within the limits of the Diocese of Saskatchewan."

He said: In the Bill as reported by the Committee I think it will be found that clause 15 is not in harmony with the second clause, or rather interferes with it in a very material way. In the second clause the University by its corporate name is empowered to purchase and hold lands under certain restrictions, that is to say, the amount of the lands they are allowed to acquire and purchase, or receive by gift, must not exceed a certain sum in annual value, and those lands, except such as they may require for their own use and occupation, they must dispose of within ten years, so that the intention of that clause of the Bill, and I understand also of the promoter of the Bill, is that the lands should always stand in the name of the University, and not of the College, to be established in Prince Albert, or any of the Colleges affiliated with it.

The 12th clause is as follows:

"The said University and Colleges shall have power to acquire and hold lands and tenements, goods and chattels; and also to invest, from time to time, their funds and moneys within any part of the Dominion of Canada, subject to the limitation contained in section two."

Now, I think, hon. gentlemen will see that that conflicts entirely with the second clause of the Bill, because under it, not only the College at Prince Albert, which they have authority to establish, but other colleges through the district of Saskatchewan, which may become affiliated with them, under that clause will have power to hold lands in the same way as the University itself. I asked that the third reading might be deferred in order that I could consult the legal gentleman who is interested in this Bill. I showed him this clause yesterday, and he agreed with my suggestion that the words "and Col-

leges" in the 15th clause should be struck out, and the word "its" substituted for "their" in the third line of the clause, and it would then read as follows:—

"The said University shall have power .....and also to invest, from time to time, *its* funds..... ....."

If that meets with the approval of the House, I propose, as the best way of amending the Bill, to refer it back to the Committee to make the amendment.

HON. MR. ALMON—I think there can be no difficulty in delaying the passage of this measure, because when it was brought before the Committee on Private Bills, it was found that there were no newspapers published where the proposed university and colleges are to be established, and therefore I think we may wait for the time the hon. gentleman mentions, or even a good deal longer, and there will be no loss to anybody, because in a community where there is no newspaper published I think a university is just a little out of place.

HON. MR. VIDAL—I took exception to the plural wording in this section in committee, but my objections were overruled, by reference to the 8th section, where the University is given power to affiliate with other colleges having certain powers, and the Committee supposed that the term related to these affiliated colleges.

HON. MR. ALLAN—It does not contemplate any affiliation in temporal matters, it is simply affiliation for the purpose of their young men going to the University to receive their degrees. For instance, there are colleges affiliated with the Toronto University, but there is no affiliation as to the property. The two matters are entirely distinct.

HON. MR. MILLER.—I do not intend to oppose this Bill, or the motion of my hon. friend; but I cannot say that I look upon it altogether in the same light that he does. I am rather inclined to think that the intention of the promoters of the Bill is carried out by the language of the clause as it now exists; and I am rather inclined to think, also, that the intention of the other branch of Parliament is well and accurately expressed. One clause of the Bill provides that the University and affiliated Colleges shall hold property to a certain amount.

HON. MR. ALLAN.—No, it provides that the University shall hold property to a certain amount for the purposes of that one college.

HON. MR. MILLER—It is the same thing, I cannot see any difference—to hold property. Now no matter how many affiliated colleges there may be, I think the intention of the other branch of Parliament was to limit the amount of real estate to be held in the North-West, and affiliated colleges. I think the House of Commons see the necessity of placing a limit to the acquisition of property by these institutions in that great country at the present time, and that is why there is a clause in the Bill providing that after ten years the institution shall be obliged to part with all the real estate that it does not want for its purposes.

Looking at the spirit of the Bill therefore I think the intention of the other branch of Parliament was that this university and all the colleges that might be affiliated with it should not at any time hold any greater amount of property than is indicated in section two. I have no objection to the amendment. I presume if this amendment is put in, and it does not meet the views of the other House, we will have the Bill sent back to us and the amendment not agreed to. If I understand properly the spirit of the discussion which took place on this Bill and on a similar measure in the other House—at least a clause similar to this inserted in another bill—there was a desire to limit the quantity of property which might be acquired by any of those institutions in the North West.

HON. MR. ALLAN—My hon. friend says he supposes this clause is put here in order that the university, and the colleges which might be affiliated with it, should be limited as to the extent of the land they might hold. We will suppose, for argument's sake, that there were 20, 30, or 40 colleges in the Northwest affiliated with the university. Those colleges might have had, at the time they were affiliated, a sufficient amount of land to provide

themselves with the necessary professors, buildings, etc.; but it would be quite possible that the aggregate amount held by those colleges, if there were a great number of them affiliated, would be in excess of the amount mentioned here. But at the same time it might not be more than they actually required. You would interfere with their endowments as they hold them, and introduce confusion. Not only that, but you have the second clause in the Bill declaring positively that the land shall be held by the University only in its corporate capacity. I do not wish to express a different opinion from my hon. friend on a legal question, but it does seem to me that this clause clashes very decidedly with the second clause of the Bill, and it might possibly operate very seriously to the disadvantage of the college.

HON. MR. MILLER—I think the object of the last clause, as I conceive it, is quite consistent with the illustration which my hon. friend has just now given to the House. I think, in limiting the amount of property in the last section, the intention of the other branch of Parliament must have been that in case of a contingency arising, such as is mentioned by my hon. friend from Toronto, that then the university should come to this Parliament, or some other representative body, for additional powers. But under present circumstances, Parliament was not desirous to give such institutions power to hold property beyond the limit mentioned in this second section. But if a number of colleges hereafter desire to be affiliated, and hold more property—if it should be desired to hold more—I do not see why they should not come here and get legislative authority to do so. Therefore instead of the argument of my hon. friend bearing against my construction of the Bill, I think it merely goes to show that something of that kind must have been in the view of the other branch of Parliament, when they placed this restriction in that clause. Parliament would never, by means of a bill of this kind, allow an enormous monopoly to grow up in that country, as it might possibly do under the unrestricted power they would have in this clause. We do not know the possibilities of things in that great country, and the intention of Parliament may have been to prevent a monopoly growing up there.

HON. MR. MCMASTER—I think the subject may be illustrated by reference to Toronto University which is largely endowed. A number of colleges are affiliated with it, and those colleges have no power of managing that property: they have nothing to do with the financial affairs of the Toronto University.

HON. MR. ALLAN asked leave to withdraw his motion, which was granted.

HON. MR. VIDAL moved the third reading of the Bill.

HON. MR. ALLAN moved in amendment that the Bill be not now read the third time, but that it be amended in the direction which he had indicated.

The amendment was adopted.

HON. MR. VIDAL moved the third reading of the Bill.

The motion was agreed to and the Bill as amended was read the third time and passed.

The Senate adjourned at 6.05 p. m.

THE SENATE.

Ottawa, Thursday, April 12, 1883.

The SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

QUEBEC FIRE INSURANCE COMPANY.

THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (23), "An Act further to reduce the capital stock of the Quebec Fire Insurance Company.

HON. MR. PELLETIER moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time and passed.

BANK OF LONDON IN CANADA.

THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (29), "An Act to incorporate the Bank of London."

HON. MR. LEONARD moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

NORTH-WESTERN BANK BILL.

REPORTED FROM THE COMMITTEE.

HON. MR. ALLAN, from the sub-committee of the Committee on Banking and Commerce, reported Bill (F) "An Act to amend the Act incorporating the North-Western Bank."

He said: I might explain to the House that this is a Bill from the House of Commons. The North-Western Bank was incorporated a year ago. Subsequent to their Act of Incorporation another Act of Incorporation was given to another company, with almost precisely the same name, and, therefore, the necessity arose for this bank coming here this session to ask that the name be changed to that of the British Canadian Bank. They also ask for power to have the head offices either in Toronto or Winnipeg. The Committee did not think it proper that that power should be given them; they considered it better that the head office should be at one place, and they struck out the word Winnipeg, and provided that the head office shall be at Toronto. There is also a clause added, providing that the change of the name shall not affect the rights or obligations of the Bank, or affect any claim that may have arisen against the Bank under its former name.

HON. MR. PLUMB.—I do not wish to make any invidious reference to this charter, but I do think the attention of Parliament should be called to the principle which seems to have been adopted with respect to the granting of charters of banks. Of late years it seems that it has been almost the rule that any applicants, no matter whom, without any inquiry into their financial standing or position, or ability to carry on the business of a bank have had nothing to do but come to Parliament and obtain a charter. Of course it is essential to the well-being of the country that a greater safeguard should surround the general granting of bank charters. Banks with small capital may be established; they may be got up for the purpose of selling their charters, or for the purpose of providing offices for those who are promoters, but it is usually for either one cause or the other, and of course sometimes for the legitimate business of lending money. With reference to the bank now under consideration, I do not say that there is any objection to be found, although from the gentlemen who are promoters of the Bill it does not appear that such a bank is necessary in Toronto. The original project was to establish the bank in the city of Winnipeg, but it turns out, from the statement of the gentleman who was present in the Committee, that the person who was to have been president of the bank happened to be so very young that it was decided it would be worth while to wait until he got older before they could entrust him with so important a position. It was also found convenient to change the location of the bank; the capital could not be obtained in Winnipeg and it is now moved to Toronto, but whether or not it there meets with the confidence of capitalists, remains to be seen. I have only brought up this case as an example, and I think the attention of Parliament should be called to the fact that it is an invidious task for any individual member of the Committee to stand in the way of preventing such charters. He often finds in them the names of gentlemen whom he is not willing to disoblige, and unless there be some general rule adopted whereby the necessity of such an institution being established and the propriety of giving the corporate powers applied for must be shown, it is difficult to raise any objection. The powers of the corporation to lend money should be first inquired into, and whether it is the policy and object of the Government to grant such charters whenever they are applied for on behalf of

small banks, which we all feel may in some moment of commercial pressure give way, and any one such institution giving way causes a shock to the whole financial system of the country. These matters ought to be arranged by both Houses of Parliament, and some general system laid down. While I have not considered that it was the duty of any single member of the Committee to stand in the way of charters of this kind, I conceive it would be for the Government to announce some general principle for this class of legislation. Nothing can be more dangerous than the indiscriminate granting of bank charters. I believe that it will be, although not perhaps immediately, but in the near future, the source of a great deal of trouble. In the United States, where the freest system of banking prevails, the involuntary creditor, the holder of the bank note circulation, is protected by a deposit of the stocks of the United States, at par, to an amount sufficient to protect the circulation, in fact 90 per cent. of the circulation of the banks of the United States amounting to some $350,000,000 or $360,000,000, and the holders of the notes are protected in that way. The depositor is supposed to be in a position where the motto of "caveat emptor" will apply to him, but the involuntary creditor is protected, for immediately upon the failure of a bank the proper authority at Washington gives notice that the treasury will redeem his notes. The consequence is that throughout the whole of the United States bank notes issued under that system circulate without enquiry, and notes from Louisiana, Texas, or anywhere else in the Union pass with the same currency in New York as in the state where they are issued. We have adopted a different system here; there is protection to note holders consisting of a certain reserve; but although there is this special protection to them there may be delay in their being reimbursed. Anything occurring which in any way shakes the public confidence in the monetary system of the country, would likely happen at a time when the public mind is most susceptible to panic; and if such a contingency can be avoided by a proper foresight it should be provided against. I trust hon. gentlemen will pardon me for taking this opportunity of mentioning this matter. I believe there are other gentlemen in this House as well as in the other House, who feels as I do with regard to it, but unless some expression of this kind can be made, it merely remains the individual feeling, or individual expression. I was led to make the remark from a discussion which took place to-day in committee. Two bank charters were passed, and I wish to disclaim any intention to throw the slightest discredit on the *bona fides* of the gentlemen who apply for these charters; but I do say that if to multiply small banks and charter indiscriminately all those who apply for acts of incorporation, and one precedent is always quoted to lead to another, we are treading on dangerous ground and we shall ultimately find that we are establishing a system which may be of the greatest danger to the financial interests of the country.

HON. MR. ALLAN—I am sure that almost every body in the House thoroughly agrees with the remarks of the hon. gentleman, but it is not very easy to carry out his suggestion unless the Government indicate within what lines and under what conditions it will be proper that charters shall be granted for institutions of this kind. It is a very invidious thing for an individual member of the Committee to rise and make objections to an application for a particular charter, because it may happen to be within his knowledge, and not in the knowledge of other members of the Committee, that certain persons connected with the bank are hardly men of sufficient financial standing to make it desirable that a charter should be granted to them. These are very difficult things to deal with individually. We may take the very instance which we had before us to-day, where before any representations were made before the Committee, the general feeling, without any explanation, was adverse to the granting of the charter. The only satisfactory way of dealing with such matters will be for the Government to indicate what shall be the lowest amount of capital that a bank shall commence business on, and the general lines under which it is proper to grant charters. In that way the Committee will have no difficulty in dealing with such questions.

The report was received and concurred in, and the Bill was ordered for the third reading to-morrow.

THE HARBOR COMMISSIONERS OF MONTREAL.

EXPLANATION.

HON. SIR ALEX. CAMPBELL—I see the hon. member from De Salaberry is present and I beg to give him the answer now which I could not make yesterday to his question relative to the by-laws of the Harbor Commissioners of Montreal. His question was as follows:

"Whether the Government intends to repeal the Order-in-Council of 26th July, 1882, approving the new By-Laws of the Harbor Commissioners of Montreal, and in particular, Article 142 of the said By-laws?

In reply to my hon. friend, I have to say that it is not intended by the Government to repeal the Order-in-Council of July 26th, 1882, approving the new by-laws of the Harbor Commissioners of Montreal, and in particular, Article 142 of the said by-laws.

PENITENTIARY LAWS CONSOLIDATION BILL.

THIRD READING.

The House went into Committee of the Whole upon Bill (J), "An Act to consolidate the laws relating to Penitentiaries."

In the Committee,

HON. SIR ALEX. CAMPBELL said: When the Committee rose, the first amendment which I suggested, making it the duty of the Minister of Justice to make an annual report of all the prisons, was passed, and we were discussing the second amendment, which I proposed increasing the number of days remission which may by law be granted to convicts. It was asked by hon. members what was the practice in other penitentiaries, and I was not able to say definitely with reference to penitentiaries in England, but I alluded generally to the Irish system which was believed by those persons who have devoted special attention to this matter, to be the best system which is known in regard to the manner of dealing with convicts, and in order to give the House a clear understanding of that system, if the House will indulge me a few moments, I will read a description of that system, which is much shorter and better expressed than anything which I could give myself. The following synopsis from a paper written some years ago by the late lamented Rev. E. C. Wines, D.D., United States Commissioner to the London Prison Congress in 1872—the Howard of his day—has been furnished me by Mr. Moylan, the present Inspector of Penitentiaries, and a very zealous officer with much experience:

"Sir Walter Crofton holds as a fundamental principle that in order to effect reformation, you must gain the co-operation of the criminals, to obtain which, they must realise that their punishment is not merely retributive, but that it has a benevolent aim and that this aim is to improve them. If this fact be sufficiently made clear to the prisoner at the beginning of his sentence he will not be in hostility to those placed over him, even in the necessarily penal and more stringent stages of his punishment, for he still 'looks to the end' and with him hope 'will be forever present."

The solution of this problem, according to Sir Walter, lay in classification of such a nature as should lead by successive stages from very great strictness to a state of semi-freedom to give this classification real value it was necessary that self control and self denial should be devoloped in the progress. To attain the object in view the idle and ill-disposed should become industrious and orderly. The plan adopted to accomplish this result was the introduction of marks or numerical record of labor, awarded for intelligence, work and zeal. They are not given as a rewards for mere intelligence—for the most criminal are often intellectually brightest, and would thus be most rewarded. The first thing aimed at is to give the criminal a liking for work, because generally idleness led him to crime, but work will give him no pleasure unless he be remunerated for it. As a general rule it may be asserted that the criminal classes dislike labor. But if labor be made a privilege to be earned by its absence in the very earliest stages of seclusion, and by its gradual introduction coupled with other advantages as classification advances, it will by degrees, slowly perhaps at first, but surely, supplant idleness in the majority of criminals.

So far as the prison discipline of the system is concerned we have then:—

"1. The stage of penal and stringent discipline, when the convicts are confined in separate cells, kept on low and coarse diet, and employed at rough and uninteresting

work, such as oakum picking. It is intended, at this stage, among other ends to be gained, to make the convict feel that 'the way of the transgressor is hard.' Its longest term is nine months, which may be reduced to eight by good conduct. "Even here," Sir Walter Crofton asserts, "the prisoner begins soon to have hope implanted in his breast.' The entire course of his imprisonment is explained to him in the fullest and clearest manner, and all the advantages he will gain as he progresses from stage to stage, and class to class, for good conduct, industry, diligence in study, and attention to his moral improvement. Not only are these things set before the convict in his cell, but he is catechised once a week as to the completeness and accuracy of his knowlengeon the subject. According to the answers given all errors are corrected and deficiencies supplied. The effect even in this penal stage is found to be hope, courage, cheerfulness and a patient waiting for promised amelioration. In fact, as Dr. Wines reports, "These advances begin during the period of cellular separation—and early in it." At first, the isolation is absolute. The cell door after a time, is thrown open part of the day, then all day. This slight approach to society is felt to be a great relief and is forfeited for any misbehavior. From the first, the prisoners in this stage are together in chapel, school room and exercise yard. Much attention is given to education and to moral and religious culture.

"2—The second may be properly designated the reformatory stage, for it is here the principle of progressive classification is applied, and exerts all its force. It is in this stage of associated labor the industrial improvement and self-control of the prisoner are both stimulated and tested by the motive power which is at work, viz., improvement in present position and the opportunity of obtaining earlier liberation. It will be at once realized that thus the criminal within certain defined limits, becomes the arbiter of his own fate, and the system is deprived of any aspect of vengeance, while it secures the co-operation of the prisoner in his own improvement. There are four classes in this stage, arranged in this order—third, second, first; and advanced or exemplary. Promotion is determined by marks, of which the convict can earn a maximum of nine per month, viz., three for general good conduct, three for industry, and three for school duty—not actual progress, but attention to lessons and the desire shown to improve. When he enters upon this stage, the convict is placed in the third class; eighteen marks must be earned to ensure his promotion from the third to the second class; fifty-four from the second to the first, and 108 from the first to the advanced or exemplary class. Thus the minimum time in the third class is two months; in the second, six; and in the first, one year. The time necessary to be passed in the advanced class is not a fixed period, but depends upon the length of the prisoner's sentence. With a five years' sentence he must remain in this class fourteen months; with a fifteen years' sentence he must remain five years and eight months; and with a sentence between these two extremes a period varying with its length. The first stage of the Crofton system is passed in Mount Joy Prison, Dublin; the second at Spike Island, near Cork

In reference to this latter institution, Dr. Wines writes thus:—"On the day of my visit to Spike Island, the number of prisoners was 705, distributed as follows: Advanced class, 320; first class, 200; second class, 101; third class, 84; the motive to strive for promotion is not only powerful, but it is constant and constantly increasing in strength. The progress toward liberation is the great motive power; but there are manifold inducements to exertion, self denial, self conquest and self control besides these. With every advance there is a lifting of restraint, an enlargement of privilege, and increase of gratuity, distinctive badges, better food, improved dress, greater liberty of action. The great effort is to inducce the prisoner to become the chief agent in his own reformation. The authorities seem to feel that unless this is done, nothing is done. The result, as I learned it from the lips of many prisoners with whom I conversed—all separate and apart from their officers—is that the entire prison population with few exceptions are putting forth constant and vigorous efforts to secure their promotion within the minimum time.

"The punishments, in the second stage, are mainly of a moral kind: loss of marks, forfeiture of gratuities, withdrawal of privileges, change of badge, degredation to a lower class, remanding to the cellular prison at Mount Joy, to which may be added—as punishments occasionally employed—deprivation of a meal, close confinement on bread and water, and even the lash in aggravated cases.

"3. When these two stages are satisfactorily passed—*i. e.*, when the criminals have attained the requisite number of marks to entitle them to the privilege—when they have given sufficient guarantees of good conduct, they pass to an intermediate prison which is designed to test the work previously done, as the crucible tests gold. These intermediate prisons, where the third stage is passed, have, according to the reports of the Directors of convict prisons in Ireland, produced excellent results. The convicts enjoy a semi-liberty, while passing through a period of probation or training before liberation. This stage of natural training, in its very nature, prepares the criminal for his return to the ordinary avocations of free life, and reconciles the public to his employment. As it has had the test of twenty-six years, and has more than fulfilled what was expected from the experiment, it must be looked upon as a great success. The conduct and industry of the inmates, as the Director, Captain Barlow, testifies, have equalled, and even excelled, during this long period, those of ordinary laborers in similar positions of temptation."

In reference to this part of the Irish system I quote Dr. Wines as follows :—

"My expectations regarding it were high, but they were more than met. Indeed I have never elsewhere seen anything to compare with the results shown here. The intermediate prison which formerly existed at Smithfield, in the outskirts of Dublin, has been given up, and all intermediate prisoners are now sent to Lusk. Farm work is the only industry from which income is received. The cash revenue, clear of all expenses, from the labor of fifty-seven prisoners, the average number at Lusk is about $10,000 per annum, which makes the institution well-nigh self supporting. The farm contains nearly two hundred acres. The land was a common, wild and uncultivated, prior to the prison being established. Under the labor of the prisoners the land has increased in value from 10 shillings to £5 per acre.

Dr. Wines further says :—

"It was the 14th of October when I was there, and the prisoners were at work on various parts of the farm. * * * * Everywhere they were as busy as bees, and to all appearances, as happy. I never saw a brisker or more cheerful set of laborers. They accomplished fully as much work as an equal number of free hands. Indeed, the farmers in the neighborhood aver that they would be glad to get men who would work as well. Often they work alone, or in companies of two or three, without anyone in charge, on the most distant parts of the farm. There are no walls, no bars, no bolts, no gratings, no apparent confinement of any kind. The doors of the iron tents which serve them as dormitories are locked at night, just as our own houses are when we retire. The only difference, as far as I could see, between them and and any other large farm employing a great many hands, was that here a warden slept in a small room at the end of the convicts large dormitory."

"Though the intermediate prison at Lusk has been in operation since 1854, with opportunities for evasion which no other prison in the world offers and yet scarcely half a dozen attempts at escape been made. There is no discipline at Lusk; no punishments are administered there any more than on a farm or in a manufacturing establishment where free laborers are employed.

"Such is the Irish system, which is admitted by everyone competent to pronounce an opinion upon the subject, to be the best prison training to prepare a criminal for his release and his re-absorption into society. It is a training so simple in its principles that its very simplicity formed at one time its great stumbling block in the minds of men, and so easy of application that, in some form, it is suited to every locality and to every human being."

Now, that system, although we cannot try it in its entirety by having three prisons, can be tried in principle by the plan which is now before the House. It is a mistake to suppose that a man who has committed a crime and suffered punishment always remains a criminal. I have a return showing the number of convicts who have been sent back to the penitentiary, and it is by no means so great as hon. gentlemen who have not given attention to the subject may have expected. The number of prisoners discharged and re-committed at the Kingston Penitentiary, which is the largest we have, during the five years ending with 1877, was as follows :

	Discharged.	Re-committed.
1873.....	185	26
1874.....	135	16
1875.....	152	25
1876.....	143	31
1877.....	231	20
Total.....	846	118

or only 14 per cent. during those five years. Now that is not very large, and a good deal of that probably is to be attributed to the beginning of the system which I now desire to push a step further. Convicts now can earn five days in a month : of course that is something, but in order to get the full benefit of the system you must feed the convict with hope; it is the only medicine of the miserable. He feels that he is degraded and has suffered the punishment of the law. He has, perhaps, no friends to intercede for him. There is nothing left for him—nothing you can dwell upon, and use for the bettering of his conduct, and as you will see by the extract I have read, it is the great power of hope which is so useful—the hope that the convict can improve his position, and shorten the time of his punishment by good conduct. It may be said that we are going a little too fast, although the opinions I have from those who have taken a great deal of interest in the subject are not in that direction. At all events, we can always make up for any short-coming which may be shown in our legislation by extending such system at some future time. When I spoke originally upon this subject I said that I was communicating with a person who had great experience in penitentiaries, and who is a man of very considerable ability and very good judgment, and whom I have known myself for a long time, and in whose judgment and character I have

the very highest confidence—the warden of Kingston Penitentiary. He says in reply to a letter which I had written to him:

"I most heartily concur in the proposition contained in your letter to increase the remission of industrious and well conducted convicts generally, rather than to pardon one occasionally who perhaps may have influential friends to intercede for him or money to fee a political lawyer—whilst another convict, quite as deserving, but who may be friendless, is required to serve out his full sentence."

The hon. gentleman from Richmond thought that inasmuch as the Minister of Justice might interfere, therefore, this measure was not necessary; but I explained as well as I could (hon. gentlemen will understand that it is embarrassing to go into such a question in detail), that some convicts have influence and friends which others have not, and if does not at all follow that the man who has someone to intercede for him with the Minister of Justice is more innocent or better entitled to have his sentence remitted than others. On the contrary, there may be hundreds in the penitentiary with strong claims, who may have no one to approach the Minister. Under this plan the applications to the Minister would of necessity be very much reduced, and many absolutely met with the enquiry, "Has he earned his full days of remission?" If so, then there would be a strong case made out. Then again, you deal with the convict upon a fixed rule which is constantly working. It is not a matter of caprice with the Minister—if one can use that phrase—it is not a matter of discretion with him, which can be applied one way at one time, and a different way at another time. It deals with the convicts in a way that they can understand and leads them to be dependent upon their own exertions which cannot be done by the occasional pardoning of a convict through an application to the Minister. That I apprehend would lead rather to a feeling that they had not been fairly treated; they might say, "we have done nothing worse than so and so, who has been discharged," and it is grinding their suffering into them, and leads them to think that they have no friend to think for them. It is better to adopt a system which works evenly and fairly and gives every man ground to hope that his sentence will be shortened—in fact he is guaranteed that it will. This officer from whose letter I have quoted, says:

"Some time ago I made a somewhat similar proposal.

"My suggestion was that after a convict had been here six months, a fair day's work should be assigned him, that he should be required to perform that day's work before receiving any remission, and that all the overwork he performed should go to the credit of his sentence. This, I thought, would stimulate the industry of the convicts, and tend very much to improve discipline. Your plan, however, is much better, and more easily worked, as in Canadian penitentiaries the labor of the convicts is so diversified that it would be difficult to fix a day's labor. In penitentiaries where convict labor is almost wholly under contract my plan might work well enough.

"If the increased remission is secured for them as you propose, a boon will be conferred upon the convicts, which, I am sure, all that are intelligent among them will greatly appreciate."

Another officer of a penitentiary had occasion some time ago to visit the New York State Prison at Sing-Sing, and he says:

"I spent a few days at Sing-Sing, and was much pleased with the general conduct and industry of that institution; so much so that I naturally looked for the particular cause of it. I found, I may say, most of the rules of the prison similar to our own, and some of them, in my opinion not so good; and after studying the system adopted there, and conversing with a number of the convicts, I was convinced that the principal cause of their success was the large amount of remission time allowed to well behaved and industrious convicts. This was likewise affirmed to me by the officer in charge of the prison. Their remission far exceeds ours, viz., for two years they allow four months off; for three years, eight months off; for four years, one year off; and this remission continues at an increased ratio, so that for a term of seven years, the time off would be two years and three months. It can be easily understood how strong an inducement so large a reduction of time would be to produce good conduct and industry on the part of convicts, first to gain the remission and afterwards to retain it."

I think without occupying more time that I have said what I hope will satisfy the committee that the system deserves a trial. What we do is not absolute: it can be altered at any time Parliament pleases. It may perhaps be better, as was suggested a few days ago, that the experiment should be tried on a more limited scale than I originally contemplated: to that idea I am willing to give my consent. We can try it on a limited

plan, and if it should have the effect which it seems so calculated to produce, we can increase the time. The suggestion I propose to the committee is that we should leave out "C" and "D" in the amendments, and adopt "A" and "B." only. The effect of it will be that when a convict shall have thirty days remission to his credit he shall have seven and a half days remitted therefor; it will take six months at the best to earn 30 days. Then, when the convict has 120 days remission to his credit, he should have 10 days remitted therefor. I had gone on to provide for 12½ and 15 days additional, but in deference to what was stated the other day, I dropped the last two. The following statement will show the operation of the system, omitting "C" and "D," and giving only the 7½ and 10 days additional:

Term of Sentence	Less greatest possible remission.	Equal actual time of imprisonment.
1 year	1 month	11 months
2 "	4 "	1 year & 8 months
3 "	8 "	2 " 4 "
4 "	1 year.	3 "
5 "	1 " & 4 months	3 " 8 "
6 "	1 " 8 "	4 " 4 "
7 "	2 "	5 "
8 "	2 " 4 "	5 " 8 "
9 "	2 " 8 "	6 " 4 "
10 "	3 "	7 "
11 "	3 " 4 "	7 " 8 "
12 "	3 " 8 "	8 " 4 "
13 "	4 "	9 "
14 "	4 " 4 "	9 " 8 "
15 "	4 " 8 "	10 " 4 "
16 "	5 "	11 "
17 "	5 " 4 "	11 " 8 "
18 "	5 " 8 "	12 " 4 "
19 "	6 "	13 "
20 "	6 " 4 "	13 " 8 "

I augur from that plan a great improvement, basing my idea upon the principle suggested in this Irish report, that you are stimulating the convict to good behaviour by the only motive possible in the unfortunate situation in which he happens to be. I move the adoption of the clause minus "C" and "D," the two paragraphs to which I have referred.

HON. MR. ALLAN—I have no doubt, whatever, in my own mind, of the beneficial effects of the proposed change. As matters stand now, I am quite satisfied that on the great bulk of those who are sent to the penitentiaries of the country the only effect produced is, by punishment, to deter them from the commission of crime in the future. I think it is to be regretted that those men, when they leave the penitentiaries, are less fitted to become useful members of society (except so far as they may, perhaps, have learned some useful trade), and less fitted to take their part amongst their fellow-men than they were even before their committal. There is a sense of humiliation and degradation where they are kept under the ordinary system which would not exist if the convict had an opportunity of shewing that he was capable of better things, and had the indulgence extended to him which it is proposed to grant under the system provided for in this Bill. Again there is no sort of doubt about the fact that over and over again there will be found large numbers of convicts in the penitentiaries who may not happen to have friends to take an interest in their cases, though they may be as deserving of a remission of sentence as those who have influential friends to bring their cases before the Department of Justice. It seems to me that the main improvement which would be effected by the change sought to be established by this Bill is that while you will be deterring these men from the commission of crime for the future, by the penalty which they are suffering, you at the same time would be, to a certain extent, leading them to better things—keeping up their self-respect, and leading them to feel that they are still men. They will be infinitely more likely to be good, honest and upright citizens when they again return to the world than when they entered the doors of the penitentiary. Under the present system, as the hon. gentleman says, when a man goes there he has no hope; there is nothing to induce him to feel that there is a better path open before him, and that by his own industry and good conduct he can win that indulgence and have a chance offered to him of improving his position as he cannot do under the existing system: therefore, I should be glad indeed to see the experiment tried, and shall be very much disappointed if it fails to produce all the effects which the Minister of Justice predicts for it.

HON. MR. MILLER.—I have listened with great attention to the remarks of the Minister of Justice, and they have that

weight with me which I dare say they have had with the whole House. When I ventured, the last time the Bill was before the Senate, to express some doubt of the wisdom of going the length the hon. gentleman proposed, I said I did not undertake to set up my opinion positively against his, because I had not sufficient experience in these matters to give a positive opinion which would be of value to the Committee; but I thought the experiment was going a little too far, and I am glad that my objection at the time had the effect of modifying the proposition which was then submitted. My hon. friend from York has spoken as though this Bill was an initial step in this direction. It is not so, because the law holds out an inducement to good conduct by remission of a portion of a sentence in all our penitentiaries. When I called the attention of the Committee to the subject a few days ago, I then stated that I was prepared to go a moderate length in the proposed direction, but not to go the full length suggested by the Minister of Justice. I am disposed now to support the motion which has just been made; if it be found hereafter that we have gone too far, it is very easy to retrace our steps. I have no reason to entertain very grave fears on that ground after hearing the very weighty authorities which have been read by the hon. Minister in his remarks to the House.

HON. MR. BOTSFORD.—The information which has been furnished by the hon. Minister of Justice on this important question is of a highly interesting character, and it is supported by the practice of a similar kind elsewhere, and the results of it are found to be most admirable. The interesting speech of the Minister of Justice in explaining and giving reasons why this alteration in the law should be made, are to my mind conclusive. From the information which I derived from others, and from what I have seen of prison dicipline, I was an advocate of giving encouragement of the kind proposed in the amendment, and believed that it would have a most salutary effect. From personal observation I know that to be the case, and from the information I have derived from others who are acquainted with the prison discipline in the United States, I know it has been proved conclusively that the proposition of the hon. Minister of Justice, is one which cannot fail to be most beneficial. There are two important results which will follow the amendment of the law in this particular. In the first place the prisoners are better conducted, they work more willingly, and much more work is obtained from them without any extra coercion: and then the management of the prisoners in the penitentiary is so much more easy, and the authorities of the prison are not driven to the extremities to which they now are by the misconduct of the convicts. Prison discipline is much more easily enforced and the men are much better behaved in consequence of the hope which they have that their good conduct will relieve them from a portion of their imprisonment. For my part, from the information I have had, and from the able argument which has been made by the Minister of Justice, I was prepared to go to the extent which he proposed, and I am quite satisfied that eventually that course will be adopted, and attended with the most beneficial results.

HON. MR. KAULBACH.—I shall not delay the Committee, but would say that though I was before of much the same opinion as some hon. gentleman, that we were going to extremes, after hearing what the Government had said I must confess my views are very much changed. I think it would perhaps be as well to avoid the exercising of any caprice by the Warden, and I think it might be well if he were obliged to make quarterly or monthly returns of good conduct marks, to the Inspector of the Penitentiary, so that there may be a record for each prisoner.

HON. SIR ALEX. CAMPBELL—That will be done by the regulations. Another amendment is, that if a convict is ill and his conduct has been good, that during the time he is ill he shall be allowed one half of what he would otherwise receive, until he gets out of the hospital. I move that the Committee rise and report the Bill as amended.

HON. MR. MCCLELAN, from the Committee, reported the Bill with certain amendments, which were concurred in and the Bill was then read the third time, as amended, and passed.

THE PRINTING OF PARLIAMENT.

FIFTH REPORT OF THE JOINT COMMITTEE.

HON. MR. MACFARLANE moved the adoption of the fifth report of the Joint Committee on Printing, which he explained was merely the usual report, with statements generally submitted.

The motion was agreed to.

BANKS AND BANKING ACTS FURTHER AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (46) "An Act to amend an Act intituled: 'An Act relating to Banks and Banking,' and the several Acts relating to the same."

In Committee,

HON. SIR ALEX. CAMPBELL said —Several amendments, and one addition, are suggested to this Bill. It is thought better to make it the duty of some Minister of the Government to obtain the returns from the different banks in time to have them laid before Parliament, so that, if they are not before Parliament, the Minister shall be responsible for it. Then my hon. friend from the Midland Division (Mr. MacMaster) suggested that there should be something said in the Bill to fix the period up to which these lists and other returns should be made out, pointing out that there is no such provision in the previous Banking Act, and that some of these returns are made up to one day by some Banks, and to a different date by others. I mentioned it to the Minister of Finance, and we propose to add to the bill a 12th section, which will run in these words, "The annual returns required by the herein before recited Acts and by this Act, shall be made up to the 31st of December, in the year next preceding each session of Parliament." Then there is a penalty imposed for neglecting to furnish the list mentioned in the second section, such penalty being $50.00. In the 7th section the time is extended, as it has been found that as the Dominion enlarges, 10 days does not give time enough.

On the 8th clause,

HON. MR. POWER—Though not wishing to move any amendment suggested that the words "not incorporated" should be replaced by the word "private."

HON. MR. KAULBACH, did not think that that would give as much significance as the words of the Bill.

On the 11th section,

HON. SIR ALEX. CAMPBELL explained that it was proposed with a view to extending the bank holiday to those provinces which were not part of the Confederation at the time the Act 35 Victoria, Chapter 8, was passed; and he proposed to add to that section the words, "and to the holidays mentioned in the said first recited Act shall hereafter be added that known as Easter Monday." Formerly, when a note fell due upon a holiday, it had to be paid a day earlier, but that being no longer the case there could be no objection of that kind urged against the amendment; in fact it would be rather a gain to the maker of a note, than otherwise. Merchants would become accustomed to the holiday now proposed, and the public would not suffer in any way; several banks had made a request for the amendment, to the Minister of Finance, and as Easter Monday is treated as a holiday in most parts of the Dominion, there seemed to be no objection in yielding to such a request.

HON. MR. WARK suggested that the names of the various officers of the banks should be published in the certified list of the stock-holders, as it would be satisfactory to investors and depositors to know who were controlling the transactions of the bank.

HON. Sir ALEX. CAMPBELL—I do not object to it if the hon. gentleman desires to have it in; I mentioned this point casually to the Deputy Minister of Finance, and his reply was "we will take care of that; we will make out a form of return, and make them comply with it."

HON. MR. WARK—That would perhaps meet the case, but I think it would be well to publish such information.

HON. MR. ALLAN from the Committee reported the Bill with two amendments, which were concurred in.

MONTREAL, OTTAWA AND WESTERN RAILWAY BILL.

SECOND READING.

HON. MR. BELLEROSE moved the second reading of Bill (73) "An Act respecting the Montreal, Ottawa and Western Railway Company, and to change the name thereof to the 'Montreal and Western Railway Company.'"

He said: It is a very short Bill, to give the Company power to build some branch railways, one from the parish of St. Agathe in the County of Terrebonne, through the valley of the Rivière Rouge to the River Gatineau, and thence to a point of Junction with the Canadian Pacific Railway between Lakes Nipissing and Temiscamingue. The Company also wish to change their name to the "Montreal and Western Railway Company."

HON. MR. KAULBACH enquired if the Bill had been reported on by the Committee on Standing Orders.

HON. MR. BELLEROSE said there had been a motion in this House which had been reported upon by the Standing Orders Committee.

The motion was agreed to and the Bill was read the second time.

NATIONAL INSURANCE COMPANY BILL.

SECOND READING.

HON. MR. BELLEROSE moved the second reading of Bill (2), "An Act to empower the National Insurance Company to wind up its affairs and to relinquish its charter, and to provide for the dissolution of the said Company."

He said the object of the Bill was simply to authorize the winding up of the affairs of the National Insurance Company.

The motion was agreed to, and the Bill was read the second time.

BILLS INTRODUCED.

The following Bills from the Commons were introduced and read the first time:—

Bill (59) "An Act to amend the Act Incorporating the Atlantic and Northwestern Railway Company." (Mr. Power.)

Bill (48), "An Act to incorporate the Wood Mountain and Qu'Appelle Railway Company." (Mr. Allan.)

Bill (28), "An Act to continue an Act incorporating sundry persons by the name of the President, Directors and Company of the Farmers' Bank of Rustico." (Mr. Haythorne.)

Bill (52), "An Act to incorporate the Brant County Bank of Canada." (Mr. McClelan.)

Bill (78) "An Act to amend the Act passed in the 45th year of the reign of Her present Majesty, intituled, 'An Act to repeal the the duty imposed on promissory notes, drafts and bills of exchange,' and to declare the law relating to stamps on promissory notes and bils of exchange." (Mr. Botsford.)

The Senate adjourned at 5 p.m.

THE SENATE.

Ottawa, Friday, April 13th, 1883.

The SPEAKER took the Chair at Three p. m.

Prayers and routine proceedings.

PRESBYTERIAN CHURCH MANSE AND BUILDING FUND BILL.

REPORTED FROM COMMITTEE.

HON. MR. BELLEROSE, from the Committe on Standing Orders and Private Bills, reported Bill (75,) "An Act to incorporate the Board of Management of the church and building fund of the Presbyterian Church in Canada, for Manitoba and the North-West."

The report was adopted, and the Bill was ordered for second reading on Monday.

THIRD READINGS.

The following bills were reported from Committee and read the third time and passed without debate :—

Bill (19,) "An Act to incorporate Les Révérends Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest." (Mr. Bellerose.)

Bill (49,) "An Act to incorporate The Dominion Phosphate & Mining Company." (Mr. Allan.)

Bill (F,) "An Act to amend the Act to incorporate the North-Western Bank." (Mr. Vidal.)

RATHBUN COMPANY INCORPORATION BILL.

RESTORED TO THE ORDER PAPER.

HON. MR. READ—Before the Orders of the day are called, I would ask that the Bill from the other House concerning the Rathbun Company, be placed on the Orders of the day for Tuesday. I was not here yesterday, when it was brought up, and consequently the second reading was not moved and the Bill lay on the table. I shall be glad if the House will allow it to be placed for second reading on Tuesday next.

By consent of the House, the request was agreed to.

ROYAL SOCIETY OF CANADA BILL.

SECOND READING.

HON. MR. BOURINOT moved the second reading of Bill (37), "An Act to Incorporate the Royal Society of Canada."

The motion was agreed to, and the Bill was read the second time.

WESLEYAN METHODIST CHURCH MISSIONARY SOCIETY BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (43), "An Act to amend an Act to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada."

He said: It is not necessary that I should do more than indicate the objects of the Bill, in very general terms. It contains no new or extraordinary provision. This body was incorporated in 1872, but owing to the change about to take place in their circumstances and position, by the contemplated union of the various branches of the Methodist Church in this country, it is necessary that their powers should be enlarged. The first section of the Bill merely asks that the name shall be changed, and that the word Wesleyan shall be dropped out, and that it should now be known simply as the Missionary Society of the Methodist Church in Canada. The next section is simply for the purpose of increasing the amount of the real estate which they are authorized to acquire. In the former Bill it was placed at $20,000 and in the present measure the amount is $100, 000. The next section is to enable them to receive real or personal estate by virtue of any devise contained in any last will, or testament; the previous measure confined the amount to $10,000, but now it is raised to $50,000, with the usual provisions attached to such bequest. The remaining clauses of the Bill are new, and are simply giving to the society power to inaugurate a fund, and to use that fund for the maintenance of their clergy, for the building of churches, parsonages, etc. The Bill of course has received from our committee, as it has from the committee of the House of Commons, very careful consideration, and I do not know that I need further trespass upon the time of the House, by making any comment upon it, and therefore beg to move that the Bill be read the second time.

The motion was agreed to, and the Bill was read the second time.

LONDON AND ONTARIO INVESTMENT CO. (LIMITED) BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (53) "An Act to declare the meaning and effect of certain provisions of the Act to incorporate the London and Ontario Investment Company, Limited."

He said: This is a Bill to make clear the meaning and effect of certain provisions

of the Act Incorporating the London and Ontario Investment Company. Briefly I may say that it has been contended, though not acknowledged by the Company, that they had not power to take certain collateral securities, and this is a Bill with only one section which provides that such companies shall have the power to take the bonds, covenants or agreements of any person or persons by way of collateral or additional security for money advanced by the said Company, upon mortgage of real estate, freehold or leasehold, or upon the security of public securities or debentures, or money applied in the purchase of any such securities whensoever in the opinion of the Directors of the said Company, the same was or shall be requisite or expedient to be done. I beg to move the second reading of the Bill.

HON. MR. ALLAN—It only relates to collateral securities?

HON. MR. PLUMB—Only to collaterals. There was a question about it—the question was raised, and it was in order to set it at rest that this Bill was introduced.

HON. MR. MCMASTER—I beg to draw attention to some objectionable features in this Bill. Of course I shall not oppose the second reading, as these points can be rectified in the Committee. I presume this is a company that issues debentures, and those debentures are based upon real estate; well, this will open the door for the issue of debentures on securities not at all of a valuable character, which may be sanctioned by collateral securities. It appears to me that it will affect the value of debentures very much.

HON. MR. REESOR—Before the motion is put I wish to ask the hon. gentleman whether this corporation is not extended greater privileges than other loan companies?

HON. MR. PLUMB—I understand that it is not giving the Company any exceptional privileges, but it is merely making clear a matter which has been somewhat disputed, in respect to their privileges, but I understand the same privileges are extended to most, if not all, loan companies. At any rate any question of that kind will come before the Committee to which I propose to refer the Bill, and there will be an opportunity to examine the clause and consider any objections which may be raised.

HON. MR. ALLAN—The hon. gentleman is mistaken in supposing that the same privileges are extended to all loan companies; however, that question will come before the Committee.

The motion was agreed to, and the Bill was read the second time.

PORTAGE, WESTBOURNE, AND NORTH-WESTERN RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (58), "An Act to amend the several Acts incorporating the Portage, Westbourne, and North-Western Railway Company, and to change the name thereof to the 'Great Northern Railway Company of Canada.'"

HON. MR. SUTHERLAND.—I have been requested to see after this Bill. There is a great deal of discontent in Portage and Westbourne on account of the proposed change of name. Those places gave bonuses to the road, and they consider that the present name is of some advantage to them, being in the nature of an advertisement. They consider it as being one of the items for which the bonus was given, and that it would be in a manner, though perhaps slightly, breaking faith with them to change the name. I do not intend to move an amendment now; I will probably do so in the committee.

The motion was agreed to and the Bill was read the second time.

CREDIT VALLEY RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (50), "An Act to amend an Act respecting the Credit Valley Railway Company."

He said: This is a Bill from the House

of Commons to give certain powers to the Credit Valley Railway Company in the event of their being amalgamated or united with the Ontario & Quebec or the Canada Southern, and also to give them certain working powers either by lease or joint working arrangements; and also to give them the right, with the consent of the Northern Railway Company to exercise certain powers over their railway tracks running into the city of Toronto. Those are the main features of the Bill. I propose to refer it to the Railway Committee where all the parties interested can appear if they wish to do so.

The motion was agreed to, and the Bill was read the second time.

ATLANTIC AND NORTH-WEST RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. POWER moved the second reading of Bill (59), "An Act to amend the Act incorporating the Atlantic and North-West Railway Companies." He said: This Company was incorporated for the purpose of constructing a railway from the Bay of Fundy into the Province of Ontario. The amendment which is asked for in this Bill is to allow the Company, in case their Railway is divided up into sections, and one of those sections comprises a bridge over the River St. Lawrence, to borrow a larger amount of money on that particular section than they were authorized to borrow by their original act. They are allowed to borrow $20,000 a mile on the whole length of their road, and the object of this amendment, I presume, is to enable them to borrow money to build the bridge. That is the principal feature of the Bill.

The motion was agreed to, and the Bill was read the second time.

WOOD MOUNTAIN AND QU'APPELLE RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (68), "An Act to incorporate the Wood Mountain and Qu'Appelle Railway Company."

The motion was agreed to and the Bill was read the second time without debate.

BILL INTRODUCED.

The following Bill from the House of Commons was introduced and read the first time:—

Bill (55), "An Act to incorporate the Royal Canadian Passenger Steamship Company." (Mr. Plumb.)

The Senate adjourned at 5.15 p.m.

THE SENATE.

Ottawa, Monday, 16th April, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

WOOD MOUNTAIN & QU'APPELLE RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbors reported Bill (48), "An Act to incorporate the Wood Mountain and Qu'Appelle Railway Company," with an amendment.

He said: The amendment is simply to strike out two or three lines which were in the Bill when it came before the Committee, and which regulated the fee to be paid to the registrar for recording documents. The Committee considered that was *ultra vires*, and should be struck out. That is the only amendment.

The report was concurred in.

HON. MR. ALLAN moved the third reading of the Bill.

The motion was agreed to, and the Bill, as amended, was read the third time and passed.

THE LIBRARY OF PARLIAMENT.

HON. SIR ALEX. CAMPBELL.—My hon. friend the junior member from Halifax (Mr. Almon) gave notice the other day that he would move an address for "a list of books purchased at the sale of the library of the late Dr. O'Callaghan, with the cost of each book, and also the last supplement to Catalogue of the Parliamentary Library, of books purchased from the 1st January, 1882, to 31st January, 1883, with a mark indicating what books were ordered by the Librarian, and what were sent at the discretion of the bookseller."

I have obtained from the Librarian all the papers which the hon. gentleman requires, one being a copy of the invoice of books which were purchased at the sale of the O'Callaghan Library; and the other the supplementary catalogue of books sent by the London agent without the authority of Parliament, and I venture to suggest that there is no occasion, unless the hon. gentleman has some private reason, for pressing the motion.

HON. MR. ALMON asked leave to withdraw his motion.

THE CONSOLIDATION OF THE STATUTES.

INQUIRY.

HON. MR. POWER—I should like to ask the Minister of Justice what steps he proposes to take to have the report of the Commissioners appointed to consolidate the statutes, distributed? The report was laid on the table at the opening of the session and was referred to the joint committee on Printing, and I have been informed that they have decided that it should not be printed. Now, it is a very important paper and it seems to me that if the other House does not want it the Senate does.

HON. SIR ALEX. CAMPBELL—The paper is a very important one and should be in the hands of members of Parliament, especially such of them as are members of the legal profession, and it ought to be printed. I would draw the attention of members of the Printing Committee in this House to the subject; no doubt they can make arrangements to have the report printed.

THE BEVERIDGE-TIBBITS CLAIM.

INQUIRY.

HON. MR. READ inquired:—Whether the payments to the Honorable Benjamin Beveridge, James Tibbits, and others, have yet been made and the debt fully discharged on the basis of the Report of a Select Committee of this House, of the 16th March, 1881, presented on the 17th and unanimously adopted by the House on the following day, whereby it was established:

1st. That a balance of £5,404 11s. 2d., or $21,618.25, was due by New Brunswick to Canada on the 12th November, 1856.

2nd. That the said balance has been regularly ceded, transferred and assigned to the claimants by the late Province of Canada, viz., the Provinces of Ontario and Quebec, to indemnify them and settle the claims they held against Canada, and for which the Dominion of Canada became liable under the British North America an Act; if not yet paid, why not?

HON. SIR ALEX. CAMPBELL—My hon. friend gave notice of this motion some time ago, and I have in consequence had the answer prepared by the Department to which it more particularly relates, as well as my own. The answer to my hon. friend's question is this:

The payments to the Hon. Benjamin Beveridge, James Tibbits and others have not been made on the basis of the report of a select committee of the House of the 16th March, 1881, presented on the 17th and unanimously adopted by the House on the following day.

The payments have been made and the moneys distributed to the several claimants on the basis of the report made by Messrs. King and Hurd, as supplemented by the order in Council of the 19th May, 1881, whereby New Brunswick was, in addition to the sum expended by Messrs. King and Hurd, charged with one-half of the sum of £1731 16s. which the Government were of opinion they had without sufficient reason deducted from Canada's account, on the alleged ground that the expenditure on behalf of Canada had not been made with a due

regard to economy, the grounds appearing in the minority report of the Auditor General.

One of the claimants' assignees has fyled a Petition of Right, asking leave to proceed in the Exchequer Court, which petition ls now under consideration.

I may say since this was written a fiat has been granted, so the case will go on. I have to remind my hon. friend that it is not usual or very convenient to use the phrase "whereby it was established," and I have to ask him to alter the terms of his motion. The House and the Government do not admit that anything was "established," but we quite admit that the committee reported so-and-so, and that the House concurred in that, but it is not usual in putting questions like this, to make a distinct statement of that kind. Inasmuch as the question asserts that the decision of the House was not followed by the Government, I have to remind the hon. gentleman that when that report came up I took occasion to state that the Government could not feel themselves bound by the action of the House, inasmuch as they were required to follow in those matters the views of the other branch of Parliament. I stated distinctly that although the Government would bow as far as they could to the report of the Committee, and the decision of the House, yet they could not undertake to follow out that report. In fact, we have not been able to follow it out. We have followed it out in the way I have explained the report of the arbitrators to whom the matter was referred, and a fiat has been finally granted for a trial of the cause in the Exchequer Court.

HON. MR. READ—Then I understand the Minister of Justice to say that he has not followed the decision of the Commissioners because he has recommended a larger amount than they have recommended.

HON. SIR ALEX. CAMPBELL—Not followed either.

BRANT COUNTY BANK BILL.

SECOND READING.

HON. MR. MCCLELAN moved the second reading of Bill No. 52. "An Act to incorporate the Brant County Bank of Canada."

HON. MR. DICKEY I do not rise to oppose the motion for the second reading of this Bill, but simply to call the attention of the House to the fact that we have on our order paper for to-day two of these small Bank Bills, and no doubt there will be several more in the course of the session. I wish to urge upon the consideration of the House, the remarks which were made on a former occasion with reference to the passage of measures of this kind. It is not now for the first time that this matter has been brought before the House; on repeated occasions attention has been directed to the necessity of calling a halt in these cases.

This present Bill appears to be one by which four or five gentlemen, of whose means and position I know nothing, ask to be incorporated as a bank, under the name of "The Brant County Bank," in Brantford. With regard to the Bill which is to follow this, there may be some special reasons for its passage, because the banking facilities of Prince Edward Island are not very large; but in this case the attention of the Committee should be called to the fact that some power ought to be given to the Committee: first, as to the means of these parties to establish a bank, and second, as to the necessity for the establishment of one of these small banks; because really if we go on at this rate before the year 1890, either we shall have to make new legislation for banks, or we shall be greatly embarrassed by the existence of a very large number of banks, which, I am under the impression, do not conduce to the financial security of the country. I make these few remarks with a view of calling the attention of the House, and more particularly of the committee to whom this Bill is to be referred, to the necessity of instituting some enquiry as to the necessity of these small banks. It has been the practice in this House, in dealing with matters of this kind, to discuss the question at the second reading, because it invokes the attention of the committee to whom the Bill is to be referred to the importance of investigating the facts, and I have no doubt it is the general feeling of the House that the committee should be satisfied on this point

before the Bill is reported back to the House. Under these circumstances I need not apologize to the Senate for noticing and endorsing the remarks of the hon. gentleman,—whose presence we are glad to have in this House,—on a former occasion, and I have no doubt that the general opinion of the Senate will be that it is time some stand was made on the question of chartering these small banks.

HON. MR. MILLER—Although it is not in order to allude to a past debate which took place in this House during the session, I may remark that I fully concur in the views expressed by my hon. friend on the other side, (Mr. Plumb), a few days ago when a similar question was before the Senate. I, myself, took occasion, at the last meeting of the Banking Committee to mention the fact that there appeared to be no difficulty in obtaining Acts of this kind. No obstruction seemed to be thrown in the way by the committee of either House or by the Government. My own opinion was that some responsibility—I may say the whole responsibility—in connection with legislation of this sort should rest upon the Government. I think it should be the duty of the Finance Minister to say how far this legislation is necessary, and in the interests of the country. Of course, I do not pretend to dictate to the Government in a matter of this kind, but still I think there should be some responsibility on their part, and on the part of the Finance Minister with reference to the subject. My own experience on a Banking Committee is that three or four gentlemen have only to associate themselves together, and get an act of incorporation as a bank, without there being any sufficient investigation as to the necessity for such an act of incorporation; the act is given them as a matter of course. I do not think it is in the interests of the country that we should go on in this way, and certainly it is very desirable that there should be an expression of opinion around these benches upon the subject.

HON. MR. PLUMB—I am very much gratified to hear the remarks which have been made by the two gentlemen who have just referred to this subject, and I may say that I am greatly obliged to them for the kind manner in which they have referred to what I said in the House the other day. I made those remarks in the full conviction that I was in the line of my duty. It is very invidious to attempt, as an individual, to oppose the passage of charters in the way that would be necessary to check this legislation. We need to be strengthened by some action on the part of the Government. I may say that I called the attention of the Finance Minister, a year ago, at the time there was to be some new legislation with regard to banking, to this very matter. I told him I thought that with the increased prosperity of the country there would be constant applications made to Parliament for the granting of bank charters. I suggested to him at that time that we should insist that a large capital should be provided and that ample evidence should be given of the necessity of the bank and of the fact that those who applied for the charter were not applying for the purpose of borrowing rather than lending money, and for other safeguards which would be obvious to all those who wish to keep up a healthy system of currency in the country. It is the basis of our commercial system; it lies at the foundation of all our business relations, and if there is a loose system prevailing, it will inevitably cause disaster, which will be more widespread than it could be in any other form. I suggested to him that it would be worth while to make some examination into the system which prevails in the United States. There is a general Act there, by which any number of persons can associate and form a bank, under certain restrictions. The main safeguard which has been thrown around banking there has been with a view to protecting what may be called the involuntary creditor—the note holder. It is supposed that shareholders understand the risks which they take, and that depositors are near enough to the bank to look after their own interests, but the currency circulates throughout the country, and it seemed to be considered the duty of the Government to see that the note holder should not, under any circumstances, suffer; and there was another consideration behind that—the failure of any one bank might affect the whole system. Any considerable loss upon notes, or any suspension of payment would agitate the

whole country. Under those circumstances, it is required that the banks shall deposit security for their circulation, and in case of default, the Superintendent of the Banking Department at Washington has ample power to redeem the notes. He proceeds to redeem the notes at once. He has the securities in his own hands and in that way there can be no panic through the default of any bank. Such panics are unknown in the United States. The failure of a bank affects its depositors and shareholders, but it does not affect the community generally. I suggest that if we were disposed to grant bank charters indiscriminately, as we seem to be, it would be proper to provide some security for note holders. That would remove a very large inducement for rushing into this business. It would provide also very considerable means for the investment of Government securities. The rate of interest being low there would not be any speculation in attempting to issue large amounts of paper that were not required. My friend the Finance Minister said he would take the matter into consideration; it was adopting a new system. I do not propose that it should be applied to banks already established, which were exercising their rights under their charters, although I think they might possibly by degrees adopt that system, and then the larger and stronger banks would have a great advantage over the weaker ones. I think it is not desirable that there should be a multiplication of small banks. In looking at the Bill under discussion I see four or five men—I do not intend to be invidious with regard to it, but the Bill is before us for discussion—applying for a charter for a bank in the city of Brantford. I am not aware that there has been any petition or evidence produced before the Committee of the House of Commons, or before this hon. body, shewing that there is any extended desire that a bank should be created in the city of Brantford.

Hon. Mr. BOTSFORD—What is the capital?

Hon. Mr. PLUMB.—It is proposed that the subscribed capital shall be nominally one million dollars, and that the bank shall go into operation, and have all the privileges of a bank with a paid-up capital of one hundred thousand dollars, and that the first persons incorporated shall be the provisional directors; they have the whole power over the institution. I really think the time has come, or will soon come, when it will be absolutely necessary in the interests of the country that some understanding should be arrived at as to what is to be done in regard to these applications. I have no doubt that there are gentlemen in this House who are engaged with the financial interests of the country who have been watching with great interest the course that is to be pursued with regard to the granting of charters like this. Without endeavoring to reflect upon anyone by anything I have said, I may add that I have not known in the course of the legislation which we have been called upon to deal with this session, any cases brought before us of applications for charters of this kind which seem to be pressing, or which seem to come from men who are known to the public as large lenders of money. A very striking case was presented the other day, in relation to one of these charters, where it was represented that one of the gentlemen who was likely to become interested was a large operator and speculator in grain. It is a well known fact that those gentlemen are not usually such as invest money in bank stock; at all events, if they do, when they lay down one dollar it is with the object of taking up ten. I trust what I have said here is in accordance with the views of hon. gentlemen in this House, and I do hope that we may have some indication as to what would be thought desirable on the part of the Government in regard to this kind of legislation, for although it is too late this session to have the flood which I think will descend upon us in the future pour upon us now, provision should be made to meet it when it does come. Every charter we grant now is a precedent and an encouragement to others to come forward and ask for similar privileges. I have seen a great deal of this kind of legislation, and I know that we cannot be too cautious, that we cannot be too guarded in the general interest of the community in dealing with this kind of legislation, which, I say here on my own responsibility, is of the most dangerous kind that can be proposed in any Parliament, or in any deliberative body.

HON. MR. ALLAN—However valuable this discussion may be, and however useful the expression of opinion of the different gentlemen who have taken part in this debate may be to the Committee on Banking in considering this Bill, yet I think we shall hardly find it a satisfactory guide unless, as the hon. gentleman who has sat down has suggested, there should be some expression of opinion from the Government, as to the course they think best to pursue, and within what lines charters of this kind shall be granted in the future. A Bill comes before the committee, having passed through the other branch of the Legislature, and in all particulars is in accordance with the general Banking Act, so far as the charter of the Bill itself is concerned; everything is apparently perfectly regular and proper, but a doubt exists as to whether the promoters are really men of sufficient capital to warrant the granting of a charter to them to carry on banking operations.

HON. MR. PLUMB—I did not suggest any doubt, because as I said before I did not intend to make any application of my arguments to any particular case.

HON. MR. ALLAN—I did not say that the hon gentleman did, but this is one of the difficulties he suggested. I understood the hon. gentleman from Niagara to say distinctly that that is one of the difficulties the committee would have to contend with, in dealing with bills of this kind; that a Bill may come before them, and they may be totally unacquainted with the character or standing of the individuals who apply for the Act of incorporation.

HON. MR. PLUMB—I was speaking upon general principles entirely; and not making any remarks with reference to any bills that were before us.

HON. MR. ALLAN—I did not say that the hon. gentleman referred to any bills that have passed this House or to the bill before us now; but, speaking generally, he said one of the considerations for which we should have regard is whether the parties applying for incorporation have sufficient means to carry on a banking business. A bill comes before the Banking Committee for the incorporation of certain parties to carry on a banking business. All the requirements of the Banking Act have been complied with, the amount of capital subscribed, the amount to be paid in before they can go into operation, and everything is in accordance with the Banking Act; then what course is the Banking Committee to take? because, apparently, as far as the Banking Act is concerned, all its requirements have been complied with; but there may be a doubt in the minds of the committee as to whether the parties who apply are possessed of sufficient capital to carry on banking operations, and whether it would be safe and proper to grant a charter under those circumstances. Unless that is to be taken into consideration, and unless the committee have some rule laid down for them, it will be very invidious for them to have to satisfy themselves whether that is the case or not. It seems to me the only safeguard, and the only means that we can take to prevent the passage of charters that it is not desirable to grant, is to increase the amount of capital which has to be subscribed, and to make all those conditions so stringent as to ensure at all events that none but parties of large means would be likely to go into the operation at all. If we were in that way to establish rules so that the Committee would know that unless there is a capital of a certain amount subscribed, and a certain amount paid in (which will be the best proof that the parties are not applying for the charter merely for the purpose of disposing of it or speculating in it, but that they must be men of standing and substance possessing large means to carry out the conditions of the charter), then I think we have the best possible guarantee that the charter is a proper one to give. But unless some means of that kind are taken I do not see how we are to deal satisfactorily with measures of this kind which are to come before us. A Bill came before us the other day: it was apparently not for a very large bank and there was some doubt in the minds of the Committee whether it was a bank that was very urgently called for. There may be some doubt with regard to this bank, as there are three of the largest banks in Canada carrying on business in the same place. It may be desirable to eliminate personal considerations from this question as far as possible, and, if it is thought de-

sirable in the future, to grant no charter to any bank which does not possess a larger capital than $1,000,000, and a larger amount of paid up capital than $100,000. If charters are surrounded by a safeguard of that kind, then we have something to go upon as a guide, but a mere expression of opinion, such as we have had to-day, that it is not desirable to grant charters to small banks, is of no advantage to the committee who are to deal with them, unless they take up a matter that the hon. gentleman deprecates—as to whether the parties have the means to carry on the business of a bank.

HON. MR. READ—This discussion is rather unusual, and it has taken a wide range, but if I am to be permitted to say a few words on the subject I would like to ask what reason there is for placing an obstruction in the way of employing the surplus capital of wealthy men in the business of banking? The parties applying for these bills are conforming to the rules that the committee has laid down, and we see banks now occupying a prosperous position that have obtained their charters under the same conditions as this legislation is now sought for, that have grown up and prospered with the country. We are progressing every day and there is more necessity for banks in every direction. The wealth and population of the country are increasing, and greater facilities for banking are a necessity. I is all very well for the established banks to say "we can do all the business of the country; we have agencies here and there and we can do all the banking business of the Dominion." No doubt they can, but they want to do it on their own terms. It is quite natural that the people in any locality where there is any considerable amount of business, should desire to have a banking institution of their own, rather than have to depend entirely upon the agencies of the banks in Toronto and Montreal. The Banks that are now successfully carrying on business in this country have obtained their charters under the same circumstances as those that are now seeking incorporation, and I do not see why this invidious distinction should be made. I have been long enough in Parliament to have seen many of those little bills pass through, granting charters to banks with a $1,000,000 capital and $100,000 paid in, and I have seen them become large and valuable institutions in the country, and there is no reason why London and other places should not have their local banks.

HON. MR. ALEXANDER—It is not very often that I have the misfortune to differ in opinion from my hon. friend from Belleville on any public question, and I do not know that I differ entirely from him on this subject; but I do share very largely in the views of the hon. gentleman from Niagara, and others. This is the proper moment in which the Government should determine the future banking policy of the country. If we allow such bills to go through the Legislature requiring merely a subscribed capital of $1,000,000, and $100,000 paid up, how can we refuse in the future, to other parties applying for such charters, privileges of a similar character? If there is anything we ought to congratulate ourselves upon it is that in the past our banking institutions, as compared with those of the United States, have been conducted upon a much safer footing. We have had fewer calamities. Our charters have required a larger amount of capital, and I believe I express the views of all commercial men in the country in saying that no charter should be granted with a smaller amount of paid-up capital than $500,000. It is very true that we have, in Toronto, in the Dominion Bank, an instance where a bank has been most successfully managed, under most able and upright managers, on a smaller capital; but that does not prove that such a principle would be safe as a general rule. We are establishing banks now in smaller places, and if this bill is granted we shall have almost every county town in Ontario coming to us for bank charters. Is it really safe in the interest of depositors, or bill-holders, or of any class, to go on granting charters requiring such a small paid up capital. It would be very satisfactory to this House and to the country if the leader of the Government would say what are the views of the Ministry on this subject.

HON. MR. BELLEROSE—The hon. gentleman from Belleville (Mr. Read) has given expression to the views I entertain on this question. I have not heard any good argument to prove that it would be

sound legislation that would prevent wealthy men from investing their capital in a business that would be a benefit to the public at large. The Government have in their hands the means of settling any difficulty that may exist. Our banking laws are not stringent enough, and this difficulty arises from the fact that the reports of managers and directors submitted to the Government are not reliable; that sometimes those returns, made under oath, are false. I believe that the laws on this subject ought to be more stringent, and the Government should suggest some means of forcing the banks to submit reliable reports to the proper authorities. In relation to inusurance the Government goes to the expense of having inspectors. Why should the Government not take the same means to appoint officers who, after these reports are sent in, would inspect the books of the different banks to ascertain whether their reports are reliable or not? I believe that that would be the best remedy, and if it were applied many of those small banks with small capital would drop out of business to the advantage of the country.

HON. MR. PLUMB.—My hon. friend from York, (Mr. Allan), led me to suppose that he was under a missapprehension. There is no provision in the Banking Act by which any banks are restricted in the amount of capital they should have in applying for charters.

HON. MR. ALLAN—I did not say so.

HON. MR. PLUMB—I thought because the hon. gentleman said that there should be some rule established by which a bank with a $1,000,000 capital and $100,000 paid in should not be permitted to have a charter he was of the opinion that we were under an obligation to grant a charter when that sum is proposed. There is no such provision; it is left entirely open to Parliament to say whether a charter should be granted under such circumstances or not. There is no rule by which the amount subscribed or paid in is fixed in any way. They have to comply with certain regulations before they can go into business. This discussion may not be practical in one sense, but I think it is eminently practical in another, because it will draw the attention of the Government and of Parliament and of the country to the fact that there is uneasiness felt in respect of what may be the future legislation in regard to these matters. I do not at all agree with the hon. gentleman who has just spoken that any men who choose to come and ask for a charter should be supposed to be money lenders and have a right to get a charter. I suspect in that case, as in others, there will be charter brokers and speculators and an investigation should be had in every instance before important privileges should be granted to any persons as an incorporated bank.

HON. MR. VIDAL.—I think there is a slight mis-apprehension with respect to this bill, on two points. The place in which the bank is to have its head office, is referred to as a little town. It so happens that it is not a town, but an incorporated city. Brantford is one of the cities of this country and I do not think that even three large banks having their agencies and branches there are a superabundance of accommodation for a place of its size. Moreover, it is situated in the heart of the very garden of Canada, and it is a place where business may naturally be expected to develope into large proportions. Then there has been a slight oversight, I think, in speaking of the amount of capital to be paid up: the Bank is really not to enter on its business until $200,000 is paid in. When $100,000 is paid in they can organise and elect their officers, but before they can get their certificate from the Treasury Board permitting them to commence business, if they have not at that time $200,000 paid in, they are compelled to call in that amount; and if they do not do so within 12 months from that time, they forfeit their charter.

HON. MR. PLUMB.—And they just take three years to do it in.

HON. MR. VIDAL—It would be a very improper course for us to pursue, to single out this Bill and refuse it a second reading; or even to impress upon the mind of the Banking Committee that it was the opinion of this House that a stop should be put to the issue of this, and similar charters. I think a great deal of weight must be attached to the remarks of

hon. gentlemen on both sides, in this respect—calling attention to the fact that it is desirable that the Government should exercise supervision over this kind of legislation, and before a charter should be granted, it should be known to have received the sanction of the Government, through the Minister of Finance. I think it would be very desirable, also, that some mode of protecting the public, such as has been suggested by the hon. gentleman from Niagara, should be adopted. The attention of the Government being now directed to the matter probably before next session some definite plan may be fixed upon and announced to the public, so that nobody can be taken by surprise. But I think it would be a most unjust and partial proceeding, to deny to the petitioners this act of incorporation, when we have granted it to so many others who have applied for it on precisely similar conditions. Under the circumstances the Bill should be allowed to pass its second reading and be referred to the Banking Committee for further consideration.

HON. MR. MCMASTER—The hon. gentleman is mistaken in saying that Brantford was represented as a small village; I am not aware that reference has been made to the size of the place at all. I think the main thing is to consider whether it is prudent or safe to allow a few gentlemen the privilege of having a charter and permit them to go into operation and issue bills, when they have only $100,000 of paid up capital. Any gentleman who considers the question, I think, can come to no other conclusion than it is an unwise procedure to grant charters to banks with so small a capital.

HON. SIR ALEX. CAMPBELL—I think that the rule concerning the action of the Legislature in granting charters, was laid down by the Committee on Banking in the other House. The Minister of Finance is always upon that Committee, and its chairman, above all other chairmen in that House, is in the confidence of the Government; and has close relations with the Minister of Finance. Therefore, I suppose, we may safely say that all bills coming to this House have in that way, the sanction of the Minister of Finance. There is nothing in the legislation, so far as I know, touching the capital of a bank; that, of course, is provided for in each case, when it comes up; because it might be enacted to-day that all banks that are incorporated must have a capital of $1,000,000, and the same power might say to-morrow that a bank should have $900,000. So far as I remember—and I have just been trying to refresh my memory, but the time at my disposal has been too short—I do not think any rule is laid down in the statutes, upon that subject, but it is left for Parliament to say what shall or shall not be the capital. I think that that rule about $1,000,000 capital was laid down in the lower House, and communicated to us, and so became a fixed rule in both Houses. From that time forward all banks were required to have a capital of $1,000,000, with $100,000 paid up, at least, before they began business. The conversation which has taken place is one of great interest, and the views expressed on both sides of it are entitled to every consideration. I shall take care at an early day—though I fear it cannot now be early enough to be of use this session—to lay the matter before the Government, and represent to my colleagues who have not the advantage of being in this House the views that have been expressed here and shall endeavor to arrive at some definite action on the part of the Government, which shall have its effect in the legislation which may take place in the ensuing session.

HON. MR. ALLAN—What I specially referred to was the seventh clause of the Banking Act, which enacts that no bank shall commence business until this amount specified here—$500,000 capital—has been *bona fide* subscribed, and $100,000 *bona fide* paid up. My idea was that if it was desirable that no bank should be incorporated unless it had a larger amount of capital than $1,000,000, that if the amount specified by the Banking Act was increased—the amount which had to be paid up before going into business—as a matter of course it would have the effect of raising the amount of the capital.

HON. SIR ALEX. CAMPBELL.—Is there any amount mentioned there as capital?

HON MR. ALLAN—No amount as capital, only the amount they should have

paid up before they go into business. I speak of the Act of 1871.

HON. MR. PLUMB—In the renewal Act—the Act of 1881—was that continued?

HON. MR. ALLAN—I think so.

The motion was agreed to and the Bill was read the second time.

PRESBYTERIAN CHURCH, MANITOBA AND NORTH-WEST TERRITORIES BILL.

SECOND READING.

HON. MR. WARK moved the second reading of Bill (75), "An Act to incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada for Manitoba and the North-West."

He said: It is not necessary to enter at great length upon the details of this Bill, as the preamble clearly sets forth the object for which legislation is sought. The board administering the church and manse building fund for Manitoba and the North-West have found that great inconvenience has arisen from the want of corporate powers, and they now ask to be incoporated. The object is to enable that board to hold and possess funds that may be acquired by them, by subscription or otherwise, for the purchasing and holding of real estate, and for the purchase and erection of churches, and manses, and buildings and for the maintainance of the same for the uses and powers of the church named, and also for the purpose of loaning moneys held by such board, on the security of real estate or otherwise as to them may seem best. I beg to move that the Bill be read the second time.

The motion was agreed to, and the Bill was read the second time.

BILLS INTRODUCED.

The following Bills from the House of Commons were received and read the first time:

Bill (80) "An Act to amend the Act incorporating the Great Eastern Railway Company."—(Mr. Bellerose).

Bill (42) "An Act to amend and continue in force an Act incorporating the Grafton Harbor Company, and for other purposes."

Bill (56) "An Act to amend the Act incorporating the Kingston and Pembroke Railway Company, and the Act amending the same."—(Mr. Plumb).

Bill (65) "An Act to amend an Act to incorporate the Ontario Pacific Railway Company."—(Mr. Power).

Bill (40) "An Act to grant certain powers to the Acadia Powder Company."—(Mr. Almon).

The Senate adjourned at 4:25 p. m.

THE SENATE.

Ottawa, Tuesday, April 17, 1883.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BANK OF NOVA SCOTIA AND UNION BANK OF P.E.I. AMALGAMATION BILL.

THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (10), "An Act to provide for the amalgamation of the Bank of Nova Scotia and the Union Bank of Prince Edward Island, without amendment, and moved concurrence in the report.

HON. MR. ALEXANDER—I understand that this is a very important Bill, and the consideration of the report might be postponed until to-morrow, to enable members to see it.

HON. MR. HAYTHORNE—The hon. gentleman is under a misapprehension as to the importance of this Bill. It is true it is a matter of local importance, but he is mistaken in supposing that it is of any general interest. It is a Bill to amalgamate these two banks, and it is in the interest of the shareholders of both that the amalgamation should take place. All the necessary formalities have been com-

plied with, and there is no reason why the third reading should not take place now.

HON. SIR ALEX. CAMPBELL—The Government have also given their assent to the union of the two banks being carried out in the way the Bill proposes.

HON. MR. ALEXANDER—The objection is not to the amalgamation, but to the very exceptional powers granted by this Bill, powers which are in conflict with the banking policy which has been adopted by the country. I think it would be better to allow the third reading to stand over till to-morrow.

HON. MR. MILLER—When this Bill came before the Committee on Banking and Commerce a few days ago a question arose, and it was the only one on which the Committee had any hesitation, as to whether under the amalgamation bill the Bank of Nova Scotia would have the power to issue $1 notes. I considered myself that it would have the power, and it was supposed by many gentlemen in the Committee that it was not the intention of the other branch of Parliament to give that power. The Bill was allowed to stand over until to-day for further explanations, which were given and considered quite satisfactory. There is a misapprehension as to this Bill: it may be thought very strange, until the facts are known, that the Government would sanction the issuing by any bank at the present time of $1 notes, but the circumstances are exceptional. The Bank of Nova Scotia is a large and wealthy institution with a large paid-up capital. It is one of the most successful banks in the Maritime Provinces. The Union Bank of Prince Edward Island is a smaller institution which was incorporated by the Legislature of the old Province of Prince Edward Island. By the terms of its charter it had the power to issue small notes up to the year 1900 to the extent of three times the amount of its subscribed stock. That subscribed Stock is $300,000, and therefore it had the power to issue $1 notes to the extent of three times that amount up to the end of the present century. When this amalgamation Bill was brought before the House it was desired by both Banks that that power should still continue in the Amalgamated Bank as it is now in the Bank of Prince Edward Island. It seems that the Government were unwilling to go so far, but the matter was compromised. The Finance Minister is, I believe, the party who acted for the Government in connection with the company, which was this: that the Amalgamated Bank should have the privilege of issuing small notes to the extent of double the amount of its paid up capital, which would be $320,000, instead of the power possessed by the Union Bank of Prince Edward Island alone of issuing small notes to the extent of three times the amount of its subscribed capital, or $900,000; and instead of issuing those notes up to the year 1900, the period of issue was restricted to the year 1891, at which time the banking charters would come to an end. This was considered by the Government a very fair compromise, and I do not think any one who understands it can consider it otherwise than satisfactory. The amalgamating banks have given up their large privileges for this compromise, and the public has gained, if there is any gain, and there must be since the Government has brought the bank after the year 1891 under the general banking laws by this compromise. As I remarked just now, there was a good deal of misapprehension in the Committee with regard to this question and it arose largely from the impression that the Island Bank, which is to be amalgamated with the Bank of Nova Scotia, was insolvent, and as an insolvent bank had no right to have its privileges considered. Now, the Union Bank of Prince Edward Island is not an insolvent bank at all but is in a flourishing condition, and, under this Bill, instead of having the power to issue small notes to the extent of $900,000 up to the year 1900, it will only have the power to issue small notes to the amount of $320,000, up to the year 1891. The arrangement was a satisfactory one which the House of Commons readily accepted, and which I believe the Senate will also accept.

HON. MR. ALEXANDER—If the Parliament of this country has adopted a banking policy of not allowing any company to issue more paper than an amount equal to its paid up capital, how comes it that they grant these exceptional privileges in this instance?

HON. MR. MILLER—I have just explained. The Bank had the powers before Confederation. They were granted by the old legislature of the colony of Prince Edward Island. The Bank possesses these privileges now, and the Government has not power to take them away. The only way the Government has power to restrict them is by the compromise which is now being made.

HON. MR. ALEXANDER—I do not think that constitutes an argument why we should depart from the policy of the country.

HON. MR. PLUMB—This bank had the privilege for several years to make this issue, and has it yet, and would have it for several years to come. By the legislation which is now proposed, that privilege is very largely restricted. There is no change in the policy of the Government, in that way. On the contrary, this bank is relinquishing some of its powers for the purpose of obtaining this Act of amalgamation. The Bill was very closely scrutinized in the Commons, and I do not see why it should not be discussed now as well as to-morrow. I cannot see any possible objection to deferring the consideration of the report, and I hope the third reading will be proceeded with at once.

HON. MR. ALMON—The thing is entirely in a nutshell. At present the bank has power to issue notes to three times the amount of its subscribed capital. They wish to amalgamate with the Bank of Nova Scotia, and they have agreed to accept the compromise that they will issue only up to twice the amount of their paid up capital. Suppose the House does not agree to that, what happens? It is very possible that the union will not take place between the two banks, and you will have the bank of Prince Edward Island, for some years after the Banking Bill is to come in force, issuing three times the amount of its subscribed capital. Do we not gain by the compromise?

The motion was agreed to and the Bill was then read the third time and passed.

THIRD READING.

The following Bills, reported from Standing Committees, were read the third time and passed :—

Bill (20) "An Act to empower the National Insurance Company, to wind up its affairs, and relinquish its charter, and to provide for the dissolution of the said Company," (Mr. Ogilvie.)

Bill (24) "An Act to incorporate the Manitoba & North Western Fire Insurance Company," (Mr. Vidal.)

Bill ( ) "An Act respecting the Credit Foncier Franco-Canadien," (Mr. Ogilvie.)

Bill (53), "An Act to declare the meaning and effect of certain provisions of the Act to incorporate the "London and Ontario Investment Company, Limited," (Mr. Plumb).

Bill ( ), "An Act to amalgamate the Presbyterian Ministers' Widows' and Orphans' Fund in connection with the Presbyterian Church of the Lower Provinces, and the Widows' and Orphans' Fund of the Presbyterian Church in the Maritime Provinces, in connection with the Church of *Scotland*, and to create a Corporation to administer such funds," (Mr. Bourinot.)

Bill (39) "An Act to incorporate the Royal Society of Canada," (Mr. Bourinot.)

Bill (43) "An Act to amend the Act incorporating the Missionary Society of the Wesleyan Methodist Church in Canada (Mr. Vidal.)

MANITOBA AND SOUTH WESTERN RAILWAY Co.

INQUIRY.

HON. MR. REESOR inquired whether the grant of land originally intended to be given to the Manitoba and South-Western Railway Company has been forfeited by that Company, or whether that Company will still receive the grants; also, whether the railway is to be continued to the Souris River with or without such grant, and what progress, if any, is likely to be made during the present year?

HON. SIR ALEX. CAMPBELL.—In answer to the hon. gentleman's question, I beg to say that there is no evidence in possession of the Department to shew that the company has forfeited its land grant, and if the grant is earned, of course the company will receive it. The remainder of this enquiry should be addressed to

the company. The Government is not advised of the company's intentions regarding the continuation of the construction of the line, or as to what progress will be made this year. The hon. gentleman asked a similar question the other day in reference to another portion of the railway: we can only find out by inquiring of the company, which, of course, I am ready to do, but he can get the same information by addressing a letter to the company himself.

THE O'CALLAGHAN LIBRARY.

MOTION WITHDRAWN.

The motion having been called,

That an humble Address be presented to His Excellency the Governor-General, praying His Excellency to cause to be laid before this House, a list of the books purchased at the sale of the library of the late Dr. O'Callaghan, with the cost of each book, and also the last supplement to Catalogue of the Parliamentary Library of books purchased from the 1st January, 1882, to 31st January, 1883, with a mark indicating what books were ordered by the Librarian, and what were sent at the discretion of the bookseller.

HON. MR. ALMON said: I see from the papers which were brought down by the Minister of Justice, the other day, that I was wrong in stating that a large number of books for the Library had been sent out by the booksellers. In anything I said, I had no desire or intention to reflect upon Mr. Todd's capacity, because it would be puerile to do so. Mr. Todd's reputation as a parliamentary authority is known wherever British Parliaments exist, both in Great Britain and in all her colonies; and no person can speak to him without being astonished at the great knowledge he possesses on every subject, still it is very clear that no one man can undertake to select all the books that are required for such a Library as ours. It is more than one man's work, and therefore I think either that during the year 1882 there have been less standard works published than at any time since the reign of Queen Anne, or else the Librarian has been overtasked, and I should like to see some way of lightening his labors devised. I think Mr. Todd has more to do than any one man should be asked to perform, and that he should have some assistance. I have looked over the list of books purchased at the O'Callaghan sale, and I do not think that too much was paid for them. I find that I was under a misapprehension, owing to the fact that a number of books which were purchased did not appear upon the printed catalogue. I am happy to see that there is no necessity for my motion, and I ask leave to withdraw it.

HON. MR. KAULBACH—I am glad that my hon. friend is disposed to do justice to Mr. Todd. I believe that when he last spoke of that gentleman he said he was a parliamentary authority, but not an authority upon literature in general.

HON. MR. ALMON—The hon. gentleman is quite mistaken. No person can speak with Mr. Todd upon any religious, scientific, or any other subject, but must feel that he is master of all of them. I find it a great advantage to go to him and ask his opinion on different kind of works.

HON. MR. KAULBACH—I am very glad to hear the hon. gentleman say so. I misapprehended his remarks. I understood him as saying that Mr. Todd had not sufficient literary knowledge to enable him to select books for the library. I am glad to find that the impression which I received was erroneous.

THE GEOLOGICAL SURVEY.

INQUIRY.

HON. MR. BOURINOT inquired when will the Annual Geological Report be in readiness for distribution, and whether it will be accompanied by the long promised maps referred to in previous reports?

He said: It is not my intention to discuss this subject at any length now. As soon as the report is distributed I shall no doubt enter more fully into it. My object in making the inquiry is to ascertain when the maps which have so long been promised will be published. For six or seven years the promise has been made in the reports that maps will be given, and those who are interested in these geological surveys are disappointed that those promises have not been kept. Reference has been made to the counties of Inverness, and Cape Breton, and to New Brunswick, and I expect that the next report will give

maps of those districts. For the present I shall merely make the inquiry of which I have given notice.

HON. SIR ALEX. CAMPBELL—In reply to my hon. friend's question, I beg to say that I have a message from Mr. Selwyn, who was absent from the City when it was sent, in which he says, "report and maps being printed, will not probably be finished before May." That answer was not, as I thought, sufficiently definite. My hon. friend wanted to know what geological maps would accompany the report, and I asked the question. Mr. Selwyn's reply was that the maps proposed to be issued in the next volume are as follows:—The Bow and Belly River Country, and four sheets of the general geological map of New Brunswick, the latter being one of those provinces in which my hon. friend is interested, but nothing is said about the maps of the Cape Breton country. That is the information so far, and if I get anything further, as I shall endeavour to do, I will inform my hon. friend. The only information which I have now is that the maps and report will be printed in May, and the maps which are expected are those that I have mentioned, namely, of the Bow and Belly River Countries, and four maps of New Brunswick.

HON. MR. BOURINOT—In several of the reports which have already appeared, promises have been made year after year to furnish maps of Cape Breton, but these maps are not before us yet. In this reply Cape Breton is set aside altogether, although it is exceedingly rich in minerals. I must say that this reply is just as unsatisfactory as any which I have heard in years past, and I trust that some move will be made, and some action taken on the part of the House or Goverment to make further inquiries into the doings of the Geological Survey. There is a great deal of information wanted for which the country is calling loudly. The whole attention of that department is directed to the North-West. Every other part of the country is sunk into oblivion in order that the North-West may be brought before us. I shall refer to this subject again before the session closes.

HON. MR. KAULBACH—Although I may be out of order in referring to this subject, I should like to say that these annual reports of the Geological Survey are of very great value to the country, advertising as they do the great mineral resources of this Dominion; and too much circulation cannot be given to them. For my part I am frequently asked for copies of these reports, being somewhat interested in the mineral resources of the country, but the limited number given to members does not admit of my circulating all that I would like to or that I am asked for. Although all the Parliamentary blue books are circulated amongst the newspapers these reports are not, and there is no reason why they should not be distributed to the press which is the great disseminator of information as to the resources of the country. I believe these reports are placed in book stores and sold there at a large price. After the great expense the country is at in employing scientific men to prospect the country we cannot give too great publicity to the mineral wealth that they discover. I think it is due to these scientific men themselves that the reports should have more publicity, as it will be the means of inciting them to greater effort when they find that their reports are receiving the attention of the public. In that way it will encourage those gentlemen who devote their time to this service, more in the interest of science than because of the pecuniary aid they receive from Parliament. In every way I think it is highly desirable that the great mineral resources of the Dominion should have as much publicity as possible.

BANKS & BANKING ACTS AMENDMENT BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (46), "An Act further to amend an Act relating to banks and banking and the several Acts amending the same."

HON. MR. READ rose to move the amendment of which he had given notice: "That the said Bill be referred back to a Committee of the Whole for the purpose of striking out the amendment making Easter Monday a holiday."

He said: I think this amendment is

one in the interest of the country at large, and especially as regards Ontario. The Bill proposes to establish another bank holiday. We have already (I am speaking particularly of Ontario) five bank holidays. We have Christmas Day, Good Friday, Queen's Birthday, New Year's Day, and Dominion Day. It is proposed to add Easter Monday which, as a holiday, would be a very inopportune time, because, from the Thursday previous, until Tuesday morning, if this Bill is passed, there will be but three hours to do all the banking that is to be done in that time, as the banks are only kept open until one o'clock on Saturday, and the rest of the time is holidays. It would be exceedingly inconvenient to the business portion of the community, and if the banks would choose some other day of the week for a half holiday it would suit the general public very much better. However they have adopted the system amongst themselves of closing the banks at 1 o'clock on Saturday, and the public are obliged to submit. What would be the effect of this Bill? All the remittances that come in after 12 o'clock; all the money taken by merchants and traders; all the money paid out to other people must be kept until the Tuesday morning following, if Easter Monday is to be added to the list of Bank holidays. Monday is a business day all over Ontario; Easter Monday is not kept as a holiday. The English Church on that day elect some of their officers, but as a holiday, Easter Monday is not know in this Province amongst Presbyterians, Methodists or other sects. I do not know whether it is a Roman Catholic holiday in Ontario or not.

HON. MR. SMITH—It is not.

HON. MR. READ—Then it makes matters all the worse. The people know nothing about this as a religious holiday and consequently it is a great disadvantage to the public. Why should the public at large be put to this inconvenience? We find of late that cracksmen are about, and if a man requires money for his Saturday's business or his Monday's business during these Easter holidays he is obliged to keep it in his safe or in his pocket in consequence of the Banks being closed. Locking it up in a safe does not appear to afford much security at the present day since the introduction of dynamite by professional burglars. Notwithstanding this, merchants will be obliged to keep large sums of money in their possession to oblige people whose business it should be to oblige the public. We may be told that the public will get used to Easter Monday as a Bank holiday. We become accustomed to many things that are not to our advantage, but we are here to see that the public are not inconvenienced any more than can be possibly avoided; our duty is to guard the public interest. I see no necessity for this innovation, and I beg to move the amendment of which I have given notice.

HON. MR. LEWIN.—The hon. gentleman from Belleville has spoken of the Province of Ontario, but his remarks would apply still more forcibly to all the Maritime Provinces. There Easter Monday is not kept by any class of persons that I am aware of as a public holiday. The Customs House, Post Office, Excise Department, Provincial and City offices, are all kept open on that day, and the whole business of the country goes on precisely the same as on any other day throughout the year. The inconvenience will be very great, and I think before the banks should be compelled to close on Easter Monday, the Government should begin by closing the public offices and educating the people to keep it as a holiday if it is thought desirable in the interest of the community. If this holiday is adopted its practical effect will be a great inconvenience to mercantile men and will throw the business of banking into the hands of private bankers and brokers. I hope the Minister of Justice will consider the matter carefully before he presses that section of the Bill.

HON. MR. McMASTER—There is certainly much force in the objection that has been raised against Easter Monday being made a Bank holiday. In addition to those already cited I may mention that farmers coming in to sell their produce when they go to the Bank on that day will find it closed, and it will put them to very great inconvenience. Another reason is that Monday is always English Mail day for the Cunard Steamers. Exchanges are sent home by

the Allan Steamers, and the duplicates go by the Cunard Steamers on Monday. I think the adoption of this clause will be a great inconvenience to the general public, and that it will also tend to throw an extra amount of business on the banks on Tuesday. I do hope the Minister of Justice will withdraw that section. He has mentioned that a number of banks were pressing for it, but I doubt whether the leading men in the principal banks have asked for it.

HON. SIR ALEX. CAMPBELL—The amendment has been made at the suggestion certainly of a number of leading bankers, in Ontario particularly. I do not think there is very much in the objections that have been raised to this section. In the first place, banks are public institutions, and they cannot close upon Monday or any other day without the authority of law; they are obliged to keep their places of business open on every day except bank holidays, because notes are falling due. Then the question is whether this is a reasonable privilege to give them or not. It is not, as the hon. gentleman from New Brunswick, (Mr. Lewin) says, that the banks are to be forced to do to this; they want to do it; they want to have Easter Monday for a holiday. Then there are two questions to be considered, whether the interests of the public or the desire of the bankers should be consulted or not; and I certainly would not be disposed to grant the desire of the bankers if there was a real argument that it was inconvenient to the public. The hon. gentleman has overlooked one feature of the thing that is a practical consideration, and that is, it gives people an additional day for holding their money and an additional day in which to meet their notes. Supposing that we had said that all notes payable on Easter Monday instead of being payable on that day should be paid on the previous Thursday, hon. gentlemen would have been very indignant about it, and said it was an outrage. Therefore there is some advantage to those who owe money, as they are given an additional day by this Bill. As to Easter Monday not being generally known, I must say I think it is; at any rate people will soon come to know that it is Monday after Good Friday. As to the closing of public offices, I do not know what may be the case in New Brunswick or Nova Scotia, but the public offices are closed in Ontario on Easter Monday but not because it is a holiday in any of the churches. The Dominion offices in Ontario are all closed on that day here in Ottawa, and I suppose it is the same elsewhere, in New Brunswick and Nova Scotia, though possibly the custom houses may not be closed.

HON. MR. LEWIN—The Dominion offices in New Brunswick are not closed on that day.

HON. SIR ALEX. CAMPBELL—I submit to the contradiction; I am speaking more particularly of the Departments here. They are closed simply because it is an old day which people have observed for many generations, and because it affords an opportunity of giving a holiday to those who otherwise would not get it. There seems to me but very little possibility of inconvenience in carrying out the proposition which is now made; I do not like to run against the idea which bankers have of this subject, and I do not think I am doing it, because the suggestion came from them. Really, to give the clerks in the different banks an additional holiday on that day—coming as it does so conveniently—seems to me a reasonable proposition. Then, I wanted to say a word or two upon another branch of the subject, which is this: that the bankers themselves—the head officers—use this day very advantageously to the banks and to the business of the general public. It gives them an opportunity which is most valuable—as is the case often with Ministers of the Crown here—of having a quiet day to themselves, when they go over the business and do a great deal towards keeping things right. a great deal which in the hurry of every day occupation they cannot do. The gentleman who applied to me particularly, laid great stress upon the advantage of that. This amendment would enable most of the clerks to take a holiday on Easter Monday, while those who are the heads of departments, and have other opportunities for recreation and relaxation, by devoting themselves on that day to work which may be in arrear will be gaining for themselves as well as

for the public. As to the people from the country coming in to pay their notes, they will soon find out that there is another holiday, and it seems to me it will require but a short time for them to become accustomed to it. I am quite satisfied to take a division of the House.

HON. MR. ALEXANDER.—I think the question is; how will this amendment be received by the country? We have not merely to consider what the bankers desire. If I have any recollection of how the Easter Monday is observed in all the Western Districts, where I have lived the greater part of my life, business is conducted in the same way upon that day as at any other time. A large part of the population in that part of Canada belongs to the Presbyterian and other Protestant Churches, who do not attach that importance to the observance of Easter Monday, which the members of my own and the Roman Catholic Church do. A large section of the Western population do not recognize the day named at all, and I think the views of the hon. gentleman from Belleville are quite correct with respect to farmers coming in to transact their business, and the great inconvenience which the proposed holiday will cause. Such a holiday may be very acceptable to the Provinces of Quebec and Manitoba, and perhaps one or two other parts of the Dominion, but certainly in the Province of Ontario—or a large part of it at all events—this does not appear to me to be a holiday which would be regarded by the people as a proper one.

HON. MR. READ—I just wish to say one word in answer to the Minister of Justice, about young men and their holidays. Now, if I understand the system in the banks it is that the employes generally get two weeks holidays during the summer, and I generally find them absent for that period; and I fail to understand why the public should be inconvenienced as is now proposed. It is admitted on all hands that this is not a holiday kept by any church; it is only to be a day for recreation and amusement, yet we are to inconvenience the trading and farming communities, the public at large, and in fact all parties excepting the bankers' clerks, and some of the head officers of the bank, who would like that day to look over their affairs. I would suggest that they might take Saturday, or there are plenty of other days which they can take without this innovation. We have holidays enough, and I do not think this one should be added to them.

The House divided on the amendment, which was lost on the following division:

CONTENTS:

Hon. Messrs.:

Alexander,	McMaster,
Chaffers,	Muirhead,
Flint,	Pelletier,
Glasier,	Power,
Haythorne,	Pozer,
Kaulbach,	Read,
Leonard,	Reesor,
Lewin,	Simpson,
McClelan,	Wark.—19.
McInnes,	

NON-CONTENTS:

Hon. Messrs.

Allan,	Macdonald,
Almon,	Macpherson,
Archibald,	(Speaker),
Armand,	Miller,
Bellerose,	Northwood,
Benson,	Ogilvie,
Botsford,	Pâquet,
Boucherville, de	Plumb,
Bourinot,	Robitaille,
Campbell,	Ryan,
(Sir Alexander),	Schultz,
Chapais,	Scott,
DeBlois,	Skead,
Dever,	Smyth,
Ferguson,	Sutherland,
Girard,	Trudel,
Howlan,	Vidal.—32.

The Bill was then read the third time and passed.

RATHBUN CO. INCORPORATION BILL.

SECOND READING.

HON. MR. READ moved the second reading of Bill (26), "An Act to incorporate a company under the name of the Rathbun Company." He said:—This is a Bill asked for by a large trading and manufacturing company who wish to be incorporated. It may perhaps be a little out of order, for it might be supposed that they can get all the powers necessary from the Local Government; but they aim at more than the Local Government has power to give them; they aim at

trading with the Maritime Provinces, and they propose to run steamships to the Maritime Provinces, the United States, and perhaps to England. They are a very large, influential and wealthy Company, and I think I need hardly explain the Bill at further length. It is very simple, and as it will be referred to the Committee on Private Bills I have no doubt it will be very carefully scrutinized. I now beg to move that the Bill be read the second time.

HON. MR. FLINT—I should like to make some remarks in reference to this Bill before it is read the second time. It appears that this company consists of a father, son and other members of the same family. It is something very strange and in the course of my legislating experience in this country no Bill of this kind has ever come before the House to my knowledge. It is a very singular Bill indeed. The preamble says :—

Whereas Hugo B. Rathbun, Edward Wilkes Rathbun and Frederick S. Rathbun have, by their petition, represented that they are now carrying on business as lumber manufacturers, lumber, timber and general merchants, millers, common carriers, ship and vessel owners, ship and vessel builders, also general manufacturers and general dealers; and whereas the said Hugo B. Rathbun and Edward Wilkes Rathbun are the principal partners in the said business; and whereas the death of either the said Hugo B. Rathbun, or Edward Wilkes Rathbun would cause great embarassment to the said business, and therefore the said parties desire to become incorporated, with power to extend the said business and to increase the capital invested therein ; and whereas they have prayed that an Act may be passed for that purpose, and it is expedient to grant the prayer of the said petition :—

Now it seems to me that all this could have been provided for without an Act of Parliament. As a general thing if parties enter into a partnership, they have papers drawn up which show how the business should be done, and the manner in which it should be wound up. If one partner dies, it is provided what shall be done with his share of the estate ; but in this Bill it appears that afterwards they bring in two more Rathbuns, so that there are actually five members of the family brought into this Act of Incorporation. I have no desire to oppose the Bill, but there is one thing connected with the matter that looks very strange to me. Section 8 of this Bill provides that section 39 of the "Canada Joint Stock Company Clauses Act, 1869," shall not be Incorporated with this Act, and to make the matter clearer I will read that section 39, which is as follows :—

"The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company of the face whereof the word "Limited," or the words "Limited Liability" are not distinctly written or printed after the name of the Company where first occurring in such contractor's undertaking."

Now, if I understand it right, this is the first time that I have ever heard of a privilege of that kind being asked for, and it is quite evident that the object of this Bill is to get rid of that clause. If so, it seems to me that we will be legislating in a wrong direction, unless that clause is struck out and they are made to come under the liabilities clause, of the 39th section of the Joint Stock Clauses Act. I do not wish to take up the time of the House any farther, but it has struck me on reading this Bill over, that it is of a most singular character. I cannot see that it is necessary, inasmuch as the father and son mentioned here have, at all events, carried on that business for a great number of years. I think it right to call attention to the matter, and trust that the Bill will be well looked into before it comes up for the third reading.

HON. MR. SKEAD—As I have been called upon to second this motion, I have much pleasure in stating to the House that I have known the Messrs. Rathbun for a good many years. They are enterprising men who came from the other side many years ago, and I presume have brought considerable capital into this country ; at any rate they have expended a good deal, and done much good in that section of the country. There is nothing made of wood but is dealt in by them. They own and build vessels and probably have the finest group of mills in Ontario. They carry on an immense business, and the fact of there being so many Rathbuns should be no objection, as we want more population here. I find that the family of "Flint" is a very large one, but they are not so much attached to each other as the Rathbuns are; the latter have kept their business together and have gone on

unitedly. I do not see any just reason why they should not be incorporated; they own large limits and as I said before are extensively engaged in many enterprises; I have no hesitation in saying that I think their request should be complied with.

HON. MR. POWER—I think that this Bill is objectionable, because it interferes with the rights of the Local Legislatures. The measure, in my judgment, deals altogether with civil rights, and the preamble of the Bill is insufficient; there is no recital there to show why those people come to this Parliament. They say that it would be desirable, and that those parties desire to become incorporated, with the power of increasing and extending their business, etc., but that is no reason why this Parliament should legislate, and it seems to me there should be some good reason shown why we should take action in the matter—a better one than has been advanced in the speeches of those hon. gentlemen who have spoken here for the promoters of the Bill. Besides that constitutional objection, there is another one, and it is that this Bill practically would limit the liability of the Rathbun family. If this measure should become law, people who have to deal hereafter with this Rathbun firm—seeing nothing in the title of this bill to warn them that their liability is limited—will deal with the Messrs. Rathbun under the impression that they are dealing with the firm as they have been doing heretofore, whereas in reality, they are dealing with a company of limited liability. I think the hon. gentleman on the other side (Mr. Flint) has put the whole case in a very few words. It is a very singular thing that this particular section of the Joint Stock Co's Act, which renders a Company's liability unlimited unless they insert the word "limited" should have been struck out. In the 33rd section of the Joint Stock Co's Act the liability of the shareholders is limited to the amount not paid up—to the unpaid amount of their shares; but this Company, under the arrangement which they can make by virtue of the 5th section of this bill need not pay anything more. The shares that they now hold will be taken as fully paid up, and the members of the Company, under the bill as I read it, would not be liable at all under any contracts made in the future. I think this measure is one that calls for the particular attention of the Minister of Justice. There is another objection to passing such a bill here, and that is that if this firm can come here and be incorporated and get rid of the liability which the law of partnership imposes, and they take upon themselves only the liability which they have as members of a joint stock company, we shall probably have a great many firms following their example. It seems to me that that would be a most undesirable thing.

HON. MR. SCOTT—I rise just for the purpose of removing what is a very serious misconception on the part of the hon. gentleman who takes exception to the 8th clause. That clause reads as follows:—"Section thirty-nine of the Canada Joint Stock Companies Clauses Act, 1869,' shall not be incorporated with this Act, but the remainder of such 'Joint Stock Companies Clauses Act, 1869,' shall, except so far as is inconsistent with the express provisions of this Act be incorporated herewith." Now on reading the 39th clause, there referred to, I find it to be as follows: "The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company on the face whereof the word 'Limited,' or the words 'Limited Liability' are not distinctly written or printed after the name of the Company, where first occurring in such contract or undertaking." The effect of that is that this Company decline to have any limit; they feel they are entirely responsible, and they do not wish that the public in dealing with them should consider that the individual members of the company are to be relieved of any liability whatever. The object rather appears to be to omit that word, because it gives them responsibility, but the individual members of persons who combine together in a Joint Stock undertaking and use these words "Limited Liability," become free individually from any responsibility that the company may incur. But if, as the Messrs. Rathbun feel such entire confidence in their enterprise, they omit these words, they of course become

liable, and it elevates rather than depresses the security of the concern.

HON. MR. POWER.—I think my hon. friend misapprehends the meaning of the section.

HON. MR. SCOTT.—They omit this clause, (the hon. gentleman again read clause 39).

HON. MR. POWER—That unlimited liability is done away with now, by omitting that clause.

HON. MR. SCOTT—The limited liability is done away with and there is an unlimited liability, which ought to recommend it very strongly. This Company has very large assets and do a very large business, not only in this country, but in connection with the United States and the Lower Provinces, and it may be that they do not care about having it understood that this is a limited Company in any sense, and that they feel personally and individually responsible for any liabilities of the concern. The object of coming here, as I understand it, is that it may enable them to do business in the Lower Provinces and in the United States; and they could not obtain from the Local Legislature the authority that this Parliament proposes to confer upon them under section 3, which gives them power to own vessels and trade with places outside of Canada.

HON. MR. MILLER—What power do we give them more than the Local Legislature could?

HON. MR. SCOTT—This Parliament gives power up to the limits of Canada, but the local legislature cannot give them even the semblance of such power. I have not read over the clauses of the Bill, but I do not think it is unusual in its character; it is not different from many others that have been before Parliament and have gone to the Committee. It will be for the Committee to say whether there is any detail that should be striken out, or added.

HON. MR. POWER—If the House will excuse me, I do not wish any misapprehension to exist as to what the Bill means. The section of the Joint Stock Clauses Act to which the hon. gentleman has referred (section 39), if it had been incorporated in this Bill, would have made the Directors of this Company jointly and severally liable upon any and every written contract of undertaking of the Company without any limit, unless they put the word "Limited" there. By striking out that clause, their liability is limited to the liability imposed by the other section of the Act. Now I just wish to show to the House what is the liability of shareholders under the other section of the Joint Stock Clauses Act, because this Bill makes the rest of the Act apply to the company, which we are now discussing. The 33rd clause is as follows: "Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company, to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs, against such shareholder."

HON. MR. TRUDEL—It seems to me that such legislation, for two very strong reasons, should not be allowed here. In the first place, there is no public interest involved in the passage of this Bill. My opinion is that we lose sight too much of the character of those corporations. The granting of a charter is creating a privilege which ought not to exist unless it is for the public welfare, and this fact should not be lost sight of. The intercourse of individuals is regulated by the common law, and it is only under exceptional circumstances and when it is requisite in the public interest that an act of incorporation should be granted. Now is there any allegation in the preamble of this Bill to show that it is desirable in the public interest? Not at all. It is alleged by my hon. friend from Belleville that this Company is composed of reliable men; that they are very wealthy and doing a large business. I have no reason to doubt it, but those are reasons of a private nature, and not such as entitle a mercantile firm to come here and ask to have their personal responsibility limited. It is very dangerous legislation, because under our common law a man

ought to bear the responsibility of his own acts, and unless it can be shown to be necessary for the public good, should not be granted. Some years ago those charters were only granted under exceptional circumstances. There is another reason why we should not pass this Bill: it is very clear that it does not fall within the jurisdiction of this Parliament. The only reason urged in favor of the measure is that we have established precedents for such legislation. There is something in that, I admit; but, on the other hand, if we have pursued a wrong course in the past, that is no argument for continuing it. In my opinion the 92nd section of the British North America Act clearly points out that Bills of this kind are not within the jurisdiction of this Parliament. It says that "local works and undertakings" belong to the provincial legislatures. Sub-section 11 reserves to the Provinces "the incorporation of companies with provincial objects." Now, this is a measure, not for provincial objects merely, but for private objects. The hon. gentleman says the company intend to trade to England: in that respect their position is the same as that of any other extensive firm. We have hundred of mercantile firms who do business with various countries, but it does not follow that they are public institutions with public objects. They do not want an Act of Incorporation to establish agencies in other provinces and own vessels. Private individuals own vessels and have agencies abroad and find no need of a charter from Parliament.

Sub-section 16 of the 92nd section of the British North America Act reserves to the provinces "generally all matters of a merely local or private nature in the province." Well, this is certainly a matter, not only of a local but of a private nature. Nobody will pretend to say that the public will derive any advantage by the passage of this Bill. The only effect of it will be to diminish their rights by limiting the liabilities of the members of this company. After the passage of this measure they may put aside and invest millions of dollars each, and retain their wealth if the corporation should become bankrupt. Who would be the loser in that case if not the public? I cannot conceive why such an application as this should be made to Parliament.

HON. MR. TRUDEL.

HON. SIR ALEX. CAMPBELL—I do not see any reason why the Bill should not have its second reading. It stands on all fours with other bills which have been read the second time in both branches of Parliament, and which have been referred to the Supreme Court and been returned by them as being measures within our jurisdiction. There must be a finality on those subjects, and at present it is the Supreme Court. On two occasions the Judges have certified that this class of bills does come within the legislative powers of this Parliament, and not within the legislative powers of the local legislatures. One of those measures was the Quebec Timber Bill which is particularly on all fours with this Bill. I will not occupy the time of the House by reading over the clauses of the Bill, but I will read the marginal notes and particularly those which refer to the powers which the Company desire to get.

HON. MR. POWER.—Who were the corporators in that case.

HON. SIR ALEX. CAMPBELL—A Company incorporated under the Joint Stock Companies Act of Scotland or England; the corporators are not mentioned. There were two questions asked, one with reference to the existence of the Company under a Scotch Act, and the other with reference to its objects in this country, and whether these objects came within the power of this Parliament, or of the Local Legislature.

HON. MR. TRUDEL—Is it not a fact that this timber Company was a corporation already existing and coming before our Parliament here in Canada asking an extension of their corporate powers here?

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. TRUDEL—Then it is in quite a different position: it was a corporation already existing.

HON. SIR ALEX. CAMPBELL—I stated that it was a company already existing, and I stated where it got its authority from, either the English or the Scotch Act. It came here asking for certain powers, and its objects were the same as those which this company has in view.

They were conducting the business of lumberers or timber merchants in Canada and elsewhere, and manufacturing and transporting lumber etc., almost the same kind of powers that this Company desires to get under this Bill, and it went on to say that they were to acquire the timber limits of H. Atkinson and other limits; that they might borrow and give promissory notes, etc. Now, great doubt was thrown on the point whether these objects came within the purview of this Parliament, and the Bill was referred to the Supreme Court upon the two points which I have mentioned. The opinion of the Supreme Court was given upon both points. The second of these questions was whether the objects for which the incorporation was sought were such as to take the Bill out of the jurisdiction of the Local Legislature, and in reply to this they say the Court is of opinion that the objects mentioned in this Bill are within the jurisdiction of the Dominion Parliament and out of the exclusive jurisdiction of the Legislature of the Province of Quebec.

HON. MR. POWER—Was that the unanimous opinion of the Court?

HON. SIR ALEX. CAMPBELL.—Yes, this is certified by Mr. Cassels, the Registrar of the Court. Then, there was another case in which the company had no corporate existence except what it was proposed we should give it. That was the Provident Association, its object being to make provision by means of assessments, dues, donations or other payments to provide for its members in case of sickness or unavoidable misfortune, or, in case of death, for their widows and orphans. That Bill also was referred to the Supreme Court. The ground on which its promoters sought for a charter here was simply that it was desired to spread this Provident Association over the whole Dominion. The Supreme Court gave the opinion that the object of the Bill being to carry out its operations throughout the Dominion, it was a measure which did not fall within the class of subjects allotted to the provincial legislatures under the British North America Act.

HON. MR. POWER—Did not two of the judges hesitate in that case?

HON. SIR ALEX. CAMPBELL—They hesitated upon another point, but they all joined in expressing the opinion that "the Bill is not a measure which falls within the class of subjects allotted to the Provincial Legislatures under Section 92 of the British North America Act." So I think beyond question, so far as the practice of the Senate and the House of Commons is concerned, and so far as the opinion of the Supreme Court can guide us, this Bill is within the jurisdiction of the Dominion Parliament. As to the liability of the Company that question can be carefully considered in the committee to which the Bill is to be referred. It occupied the attention of the committee of the other House, and they thought they had met the difficulty by changing the name of the Company. It was originally "Rathbun & Sons." That was changed to the "Rathbun Company," putting it on all fours with other companies which have been incorporated here, such as the "*Mail* Company," the "*Globe* Company," the "*Gazette* Company," and scores of others, which are to be found in every volume of our statutes. Their character and objects, and the extent of their liability, it is supposed, will be sufficiently explained to the country by a title given to them in that way. These are matters which can be considered in the Private Bills Committee. I think the Bill should have the second reading.

HON. MR. TRUDEL—I would ask the Minister of Justice would it not be as well to have that clause of the British North America Act repealed? That would be better than violating it constantly.

HON. SIR ALEX. CAMPBELL—I am not prepared to answer that question.

HON. MR. MILLER—However undesirable it may be to come here for acts of incorporation which might as well be granted by the local legislatures, I do not think we violate the constitution, when we have concurrent power, to grant such charters. Neither do I think it makes any difference whether individuals coming here have been previously incorporated either by a local legislature or under the Joint Stock Companies Act. I must say I think there is something peculiar in this Bill; it is of a character which we do not

have presented to us every day. It is the application of a private mercantile firm to have themselves incorporated and to obtain thereby all the benefits of an incorporated company without the liability which at present attaches to them as a private firm. I think myself that this Bill might just as well have been got, for all the purposes that appear on the face of it, from the Local Legislature, and I think it is a great pity that more of those measures do not come from the provincial legislatures. However, as we have the power, it is very easy in almost all subjects for incorporation, under the construction of the law by the judges of the Supreme Court, to bring almost any subject not exclusively given given to the local legislatures under the jurisdiction of this Parliament by showing on the face of it an intention to go beyond any one province, or outside of the Dominion. I am sorry indeed that it is so very easy to evade the spirit of the Act in reference to the jurisdiction of the local legislatures by such a course, and I am led to believe that it is done in many cases here, and done successfully. Now, these parties come here to be incorporated; they wish to have all the benefits of the various clauses of the Joint Stock Companies Act, omitting the 39th section, which is a protection to the company in regard to their liabilities. I have listened to the argument between the hon. member for Halifax, and the hon. member for Ottawa on this subject, and I must say at first blush I thought my hon. friend from Ottawa was right, but on further consideration I have come to a different conclusion.

The Company when incorporated will come under all of the clauses of the Joint Stock Companies Act except the 39th; therefore its liability is limited by that Act; but there is no caution given to the public that its liability is limited. If it did not get the benefit of the Act; if as well as repealing the 39th section the 33rd section was also repealed, then the argument of the hon. gentleman from Ottawa would have full force,; but as it is now I quite agree with my hon. friend from Belleville opposite that this is a matter that will have to be considered in Committee. It is not usual to throw out a bill of this kind on second reading, and I see no reason why this one should not be read the second time and referred to Committee where it will receive that attention its peculiarities deserve.

The motion was agreed to and the Bill was read the second time.

SEDUCTION BILL.

SECOND READING MOVED.

HON. MR. POWER moved the second reading of Bill (13), "An Act to provide for the punishment of seduction and like offiences." He said: I think it is important that the House should understand what the exact nature of this Bill is. When it was originally introduced in the other House, it was in my humble opinion, open to a great many objections; several of the clauses of the Bill were of an objectionable character, and liable to abuse. The measure was introduced last session in the House of Commons, and was referred to a select Committee, by whom a great many of the objectionable features were removed. The report of that Committee came before the House at too late a period of the session to enable Parliament to deal with the Bill; so that it did not come up to the Senate last year. This session the gentleman who had charge of the Bill in the other House introduced it almost immediately after the passing of the address to his Excellency. It was read the second time and referred to a Select Committee, by whom it was very carefully considered; and it was reported to the House with several amendments and—in my opinion—improvements. In Committee of the whole the Bill was still further amended, so that the measure is now a very different one from what it was when originally introduced. In order that hon. members may understand clearly what the Bill now is, I shall take the liberty of reading some of the more important clauses, because I know that recently some hon. gentlemen had the impression that this Bill was substantially the same measure that was introduced last session. These are the principal clauses in the Bill; these are the substantial enacting clauses. The others deal with the procedure, limitations of actions, and things of that sort.

The first clause of the Bill provides that any man who shall under promise of marriage, seduce and have illicit connection

with any unmarried female of previous chaste character, shall be guilty of a misdemeanor, and shall be punishable by two years imprisonment in a penitentiary, or for a less term in any other prison.

The second clause provides that any person who is a superintendent, tutor or teacher in a private or public school or other public institution of learning attended by females, or who is instructor of any female in music or any branch of learning of art, who has illicit intercourse at any time or place with any female under his instruction or attending such school or institution during the term of his engagement as superintendent, tutor, instructor or teacher, shall be guilty of a misdemeanour.

The third clause provides that any person who shall inveigle or entice any female of virtuous and chaste character, to a house of ill fame, or assignation, for the purpose of illicit intercourse or prostitution, or shall knowlingly conceal, or inveigle, or aid or abet in concealing any such female so inveigled or enticed for the purpose of prostitution or lewdness, shall be guilty of a misdemeanor.

I think that, taking those provisions as a whole, they are not objectionable. The second reading of the Bill was not opposed in the Commons; and my impression is that the Minister of Justice does not intend to oppose the second reading here. The leader of the Government in the other House recognized the fact that certain provisions of this measure are good ones, and he had it referred to a Select Committee. One of the principal clauses was objected to; but the House of Commons showed how strongly it felt on the matter by sustaining even that clause against the hostility of some of the prominent members of the Government, by a very considerable majority. So much for the general character of the Bill.

As the Bill has been discussed at some length in the other House; as it is likely to be discussed here to some extent, and as the Bill is to a certain degree an innovation, one of the first of this particular kind at any rate with which we have had to deal in this House, it may be well, in order to give hon. gentlemen who may feel disposed to oppose any of the provisions of the Bill, the reasons why I think the Bill should pass. I do not expect there will be any opposition to the second reading; but it may be as well perhaps to give here the reasons why I think those three clauses should be substantially adopted. The only clause to which any strong objection was taken in the other House was the first, which makes it a penal offence to seduce a virtuous woman under promise of marriage. The reasons why that clause should be adopted should hardly need to be urged.

The offence in itself is a most grievous one. The man who having paid attention to a virtuous woman, wins her affections, becomes engaged to her, and then makes use of his influence to lead her to ruin, is guilty of as great a crime, I think, as a man can well be charged with. The offence has every aggravating characteristic of a crime. It is an offence which involves deliberation and malice prepense. It is the greatest offence that can be possibly committed against a virtuous woman, short of murder, and ruins the victim for life; for every one knows that a woman who has suffered in that way is ruined for life in almost every case, that her life afterwards is a burden to her, that her position in society is lost, and that in a great many instances she is driven to a life of shame. Those are two of the elements that go to make up a serious crime. The third element in the case is the injury to the public. To my mind it is a serious injury to the public that any member of the community should be victimized in such a way; and it is a still more serious injury that a member of the community should be driven, as a ruined woman frequently is, to a life of degradation, where she becomes an object of police surveillance, and where she becomes a habitual offender and leads others to follow in her footsteps. Thus the offence in itself contains all the elements which we should expect to find in a crime, and which call for condemnation by the state.

The second reason why I think the Bill should pass is that where a virtuous woman who has been engaged to a man has been seduced by him, his act is generally and properly regarded a crime and as a very serious moral offence; and it is most desirable that the state should recognise that that offence is a crime. I believe that the recognition by the state that so serious a moral offence as seduction is regarded as

a crime will do a great deal towards deterring people from committing such an offence; and, although in these days the state is not regarded as being distinctively christian, or having any guard over the people living in its jurisdiction as christians or as members of churches, as at one time was the case, still it is an important thing that the state should condemn a serious moral offence of this character. We are not bound now perhaps to do as the state once did, to make the decalogue part of our common law, or part of our statute law; but I think the state is perfectly justified, and it is its duty to stamp with disapproval offences of this character just as a state does stamp many other offences against morals. If this Bill passes, either in its present form or in a modified form, it will tend to deter men very much from perpetrating such offences. In the present day, it is not an uncommon thing for a man who has been guilty of this base and unmanly offence to boast of it afterwards; but when the commission of this offence renders him liable to serve out a term in the penitentiary, it is not at all likely that the perpetrator of the crime will boast of it. As soon as the offence becomes a crime punishable by incarceration in the penitentiary, it will become unfashionable; and I think we should make it as unfashionable as possible.

Another reason why this measure should become law is that it is in a great degree an assimilation of the law on this subject with other portions of the law. Certain other offences against morals, which I do not think are a bit more aggravated are criminal offences under the statute law, as for instance rape, bigamy, and some other offences. The abduction of a girl under sixteen years of age, or the procuring of the seduction of a girl under 21 years is an offence by our own statute—which varies somewhat from the English statute; and it seems to me that the seduction of a woman under promise of marriage is a much more serious offence than the mere seduction of a girl without any such promise. Then there is a number of comparatively small offences; there is for instance the obtaining of money under false pretences which is, under our statute a penal offence. In the case before us a man promises to do what he does not do, and by means of that promise gains a woman's consent to give what is infinitely more valuable than money—to give away her honor—under a false pretence of the worst kind; and he is guilty of a fraud of the grossest and most contemptible character. If a man who obtains a small sum of money under false pretences is liable to be dealt with criminally under the statute, so the man who deprives a woman of her honor under false pretences should be held doubly liable. A larceny of a trifling character exposes a man to imprisonment in the penitentiary; a breach of contract—under a statute which we passed in this country not very long ago—by which another person is seriously injured, is a criminal offence. It seems to me that, almost under the terms of that Act, a party who is guilty of an offence against the first clause of this Bill would be liable to punishment. Probably the Act would not bear that construction; but, there is no more serious injury that one can do another than the wrong which a man does to a woman in this case.

There is still another reason of a good deal of importance, why this Bill should become law: it would tend to prevent people from taking the law into their own hands. As it is at present, the brother or father or other near male relative of the woman who is injured, if he has much of the man about him, is very likely to take the law into his own hands, and to do summary justice upon the offender. It seems to me that it is our duty, as legislators, to prevent private revenge, and to place in the hands of the state the duty of punishing the offender. Wherever there is a gross wrong, the state should provide a remedy, and not leave it to what is called "The wild justice of revenge."

So far I have given what I think are the principal reasons for the passing of this Bill. If the House will allow me, I shall now refer to the arguments that have been used against the measure. I have glanced over the reports of the debates on the subject in the other chamber; and if I have not noticed all the objections that have been urged against the Bill, the hon. gentleman from Sarnia, (Mr. Vidal) who has consented to move the second reading, will perhaps deal with them. One argument used by several gentlemen in the other chamber was that you cannot make men virtuous by Act of Parliament. That argument has a sort of taking sound about it, and is apt to impose upon people

who do not stop to consider it; but the fact is if that principle were adopted in its entirety, we should have to abolish our criminal code altogether. What is our criminal law? It is not composed of enactments to make men virtuous? The law cannot touch a man's heart, but it can touch his exterior conduct, his dealings with the world outside, and our various criminal enactments undertake to do that. Although a man may think as he pleases and feel as he pleases in his own heart, when he comes to act in such a manner as to affect others than himself, then the state has the right to step in and say such and such things you shall not do; and if ever there was an offence which the state had a right to prohibit it is that which is dealt with in the first clause of this Bill. Another argument which was used against this provision of the Bill in the other chamber, and which has been used by newspaper correspondents, and by hon. gentlemen with whom I have spoken on this subject, is that this enactment will afford facilities for blackmail. I do not think there is any force whatever in that objection. What additional inducement to blackmail does this bill offer? Under the present law, if there has been a promise of marriage, the woman who is wronged has the right to bring a civil action for a breach of promise. If she succeeds in the civil action she generally recovers very considerable damages; and there may be inducements for a designing woman to make money out of a man, by bringing that civil action; but if this Bill passes there will be nothing to be gained in the way of money by a criminal action. I think there is a great deal more talk about blackmail than there is of the thing itself. There have been very few instances given of innocent men who have paid large sums of money to designing women. As a general thing, I fancy that if a man, whether young or old, avoids undue familiarity with the opposite sex, he is not likely to be blackmailed. If the tendency of this Bill will be to make men a little more careful and circumspect in their dealings with the other sex, I think it will be a step in the right direction. This same argument that it opens the door to unjustifiable prosecutions brought for the purpose of gain applies to numerous other offences which are now punishable by statute and dealt with as crimes. The offence of rape for instance, and other crimes which are prohibited by statute, and with respect to which the law is liable to abuse. Still the cases in which it is abused are very rare; and the injuries that are done by occasional abuse of the law do not all counterbalance the good that is done by the prevention of crime. Another argument against this provision, and one that was urged very strongly by different gentlemen is, that it is un-English; that it is an innovation on the existing law of England. I do not think that a very strong argument. It would be absurd to say that we in Canada are not to enact any law which has not been previously enacted in England; that we are always to follow the example of England, and never to pursue an independent course; and I cannot imagine that the hon. gentleman who leads the Government in this House could use such an argument as this. He is a member of the Government who have enacted, with great applause from their friends and very much to their own satisfaction, a tariff measure which is very un-English indeed, the policy of which is diametrically opposed to the policy of England. The tariff is not a measure that affects only a few individuals.

HON. MR. ALMON.—Hear! hear!! It affects the whole country.

HON. MR. POWER.—I am not going to deal with the merits of the tariff at all; I am simply saying that the tariff is very unlike the English tariff. I am not saying whether it is a better tariff or not, but it is decidedly un-English, and affects every man, woman and child in the country. This measure if passed would affect only a very few individuals. We live in a somewhat Christian country where such offences are not common. There have been other measures as to which we have not waited for England's example. They have an Established Church. In Canada we have done away with the Established Church. We did not wait for the action of England in that matter; but no one would undertake to say that we were wrong in this country in abolishing the Established Church as we did. But in the United States, which is a country with English traditions, such as we have here, they have dealt with this question. The hon. gentleman who in-

troduced this Bill in the House of Commons shewed that he had made a very careful and laborious enquiry into the laws of the United States, and he pointed out that in at least 24 States as to which he had made enquiry, they had laws against this offence.

Hon. Mr. McINNES—Is the moral standard higher there than in this country.

Hon. Mr. POWER—In the State of New York they have had a statute similar to this since 1848; and this law has not been repealed in any single State where it has been enacted. I suppose the suggestion which has been just made by the hon. gentleman opposite has occurred to him spontaneously, but the same remark was made in the other House. Well, they may not be as moral in the United States as they might be, but on the other hand they may be a great deal better than they would have been if they had not had these Acts. I presume that, with that respect for the course of English legislation in most matters which characterises the Minister of Justice, he might be disposed to lay some stress upon this objection; and if the House will allow me I shall say a few words as to the way in which it has happened there is no legislation in England upon this subject. In the Saxon times, previous to the Norman conquest the bishop and the earl sat together in the county court, and they disposed of offences civil and criminal. At the time of the Norman conquest a change was made, and William the Conqueror took away the jurisdiction over crimes which could be looked upon as being at all religious offences from the county court, which he left to the sheriff, and handed the jurisdiction over these crimes to the bishop, who was to hold his own court; and for many centuries the ecclesiastical courts dealt with those offences, which were looked upon as being ecclesiastical. Pretty nearly all offences against the Decalogue were regarded as a ecclesiastical offences, and they were triable by the ecclesiastical courts. Sometimes the ecclesiastical court handed the offender over to the civil power, to be punished, but more frequently, and particularly since the Reformation, punishments were inflicted by the ecclesiastical courts. After the Reformation, in the time of Henry VIII, one of those ecclesiastical offences somewhat of this character, was made a penal offence agaisnt the secular law; and in the reign of James I, the offence of Bigamy was made a crime by statute. Under the protectorate, adultery and those offences we are now dealing with were made crimes too; and by the Indian Code, which is a very recent enactment in England, adultery is made a penal offence. Stephens, who is the latest and most authoritative writer on this subject, and whose work was only published during the present year, says in his History of the Criminal Law that the only reason why certain offences against morals are not dealt with by the English criminal law is that they have been regarded as ecclesiastical offences, and he is of the opinion that some of them, at any rate, should be dealt with as crimes. So much for the un-English character of the measure. The English law is not a scientific code by any means; in England as a rule a thing is not dealt with by Parliament until it becomes a pressing inconvenience. Another argument that was urged against the measure was that it would drive young men out of the country. It seems to me that, if a young man promises to marry a woman, and takes an improper advantage of that promise, and chooses to leave the country rather than fulfil his promise, the country is very well rid of him. Take another case; if a clerk embezzles a small sum of money belonging to his employer, if he steals a small sum, or obtains it under false pretences, and leaves the country, we do not hear legislators weeping over his departure. The man who loses the money may regret it, but the country at large is not disposed to bewail the loss of a young man of that character. Another reason urged against this measure is that you will be punishing only one of two guilty parties. It appears to me that there would be a good deal of force in that argument as against the provision in the Bill which was originally introduced; where the two parties were on equal ground and were their guilt was alike: then I think it would be most unfair to single out one for punishment. But, in the present case the two parties do not stand on the same footing. If a man has promised to marry a woman, and has the freedom of inter course with her which that fact gives him, she

is not in the position of being able to protect herself as if no such engagement existed. The law of Scotland, which in many other ways is a very wise law, looks at this fact in such a way as to really marry the man to the woman if he takes advantage of his engagement. There is another fact to be considered, that, supposing a woman does do wrong, as she undoubtedly does, even in this case, society punishes her very severely, indeed more severely than this Bill will punish the man; and, if the state steps in and punishes the man who is guilty of the atrocious offence provided for by this clause in the Bill, the state is simply putting the man on the same level with the woman, or nearly so. Her own sex—the opinion of her own sex—punishes and degrades her quite as much as incarceration in the penitentiary will punish and degrade him. Another argument which was used against the adoption of this measure was that you compel a poor innocent man to marry a woman of loose character. I do not think that is putting the case fairly. The clause sets out with the declaration that it must be an unmarried woman previously of chaste character. If a man takes advantage of the existence of a promise of marriage—of an engagement between himself and the woman—to lead that woman astray, he has no right to speak of her as being a loose woman. If she was good enough and virtuous enough to become engaged to, she was quite good and virtuous enough to marry afterwards. To allow a man to abuse his position as an engaged lover, and then to refuse to marry a woman on the ground that her character is not good, is to allow a man in the most flagrant way to take advantage of his own wrong. It cannot be the feeling of this House, which, even more than the other chamber, should be looked upon as the guardian of public morals—it cannot possibly be that this House will reject a measure which proposes to protect an unprotected woman, and punish a man who is guilty of so serious an offence as this. There were other objections to the remaining provisions of the Bill, urged in the House of Commons, but I do not propose to deal with them at length now. I may say, however, that there are several points in which I think the Bill would bear to be amended. I think that the first clause should be altered by providing that, if a man who has made this promise carries out his promise and marries the woman, he shall not be liable to be proceeded against under this Bill. That seems to be but reasonable and fair, but that particular provision was struck out of the Bill. Then I think the second clause of the measure requires some modification also; and it appears to me, with respect to the third clause, which deals with the inveiglement of a woman to a house of ill-fame, that it might very well be limited to a woman under the age of twenty-one. With these observations, I beg to move the second reading of the Bill.

HON. MR. VIDAL.—I do not intend to address the House at this moment, but I would like to say that the use of my name in the way it was done, was without my sanction, and, is a thing I do not exactly approve It is quite true that I intimated to the hon. gentleman that I would support the Bill, but I was never asked to second it.

HON. MR. POWER.—I was certainly under the impression that the hon. gentleman had consented to second the motion.

HON. SIR ALEX. CAMPBELL moved the adjournment of the debate until to-morrow, to stand the first order of the day.

HON. MR. O'DONOHOE gave notice that he would to-morrow move an amendment that the Bill be read this day six months.

The motion was agreed to.

GREAT EASTERN RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. BELLEROSE moved the second reading of Bill (80), "An Act to amend the Act incorporating the Great Eastern Railway Company."

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 6.00 p.m.

THE SENATE.

Ottawa, Wednesday, April 18, 1883.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

THE SEDUCTION BILL.

SECOND READING.

The order of the day for resuming the debate on the second reading of Bill (13) "An Act to provide for the punishment of seduction and like offences."

HON. SIR ALEX. CAMPBELL said: I am glad that the accident of debate has given me an opportunity of speaking early on this subject. I think it very important that the position which the House may ultimately take on this Bill should be one which will command the assent of the thoughtful portion of the community throughout the Dominion, and one is obliged to approach it with considerable care, because of the novelty of the legislation which is asked for, and because of the apprehension, which I, at all events, cannot but entertain, that we may be doing more evil than it is possible to do good by the measure which is in contemplation. That the legislation is novel in our country is not, as the hon. gentleman who introduced the Bill suggested, of itself a reason against the Bill, but if, in addition to its being novel, we see that in our own country the state of morals is as good, so far as we know, as in other countries in which such legislation exists, then I think its novelty is a reason against it. The legislation which is contemplated is three-fold. In the first place, to make the act of seduction a crime, it being now a sin only; to render illicit intercourse between a teacher and his pupil a crime also, and to provide a punishment for the inveigling of women of any age into places of ill fame or houses of assignation. I fancy that everyone who hears me will agree in condemning those offences, and that whatever is best to be done, as far as possible, to diminish such offences we should be willing to do; the only difference between us is as to the measures which should be adopted for that purpose. Now, as to the novelty of it, I find that the Bill which is now proposed is substantially the law in very many states of the neighboring Union, and in France and Germany. It is not the law in Great Britain or in any colony of the empire, and I think we are bound to ask ourselves whether the state of morals in those countries, as far as we know, leaves anything to be desired on our part; whether there is any evidence before the community—not before the House—but whether we know as private citizens of any evidence leading us justly and soundly to the conclusion that the state of morals in those communities is higher and better than in ours. For my own part, I feel bound to answer that question in the negative. I do not pretend to have full information on the point; I do not know that any of us have, or that statistics have been published on the subject, but so far as ordinary reading and the information which one can obtain in the intercourse of life can show, I feel bound to say that there is nothing in the state of morals in those countries for us to envy or which should lead us to the conclusion pointed to in this Bill. So far as our knowledge of the subject goes, there is no country, probably, where these offences prevail less, where the modesty of the women is more justly celebrated than in Ireland, yet there is nothing there but the restraints of religion. Are not these restraints sufficiently strong to induce people to maintain a decent state of morals in this respect? They have been found strong enough, in the colonies of the empire and in Great Britain itself. In the kingdom of England and Scotland, which do not, perhaps, in that respect stand on quite so high a level as Ireland, but still occupy a position leaving nothing to be envied in the States of the Union pointed out, or in Germany or France. Neither there nor in the colonies is there any disposition to change the law on this grave subject. That being the case, one is curious to understand, and, if possible, to appreciate the motives which have induced people to believe that any good could be done by such a measure as this. The Bill itself, I am bound to say, does not seem to have been prepared with that thought which should have been given to such a subject. It seems to me (I do not desire to express it

in any offensive way) to have been drawn for superficial reasons, and not drawn after that study of the question which is necessary to inspire confidence in a measure, and which would commend it to the Legislature. I have practised at the bar for some years, and I do not remember a case of seduction which commanded the sympathy which an honest man would naturally feel for a betrayed girl. My experience has been rather the other way—that these are cases of mutual and equal guilt, or cases where strong passion has carried away one or the other, or both of the parties. I speak of my own experience: I will add presently experience of others, I think it is important in this respect, that people are apt to picture to themselves cases which command their sympathy and which hurry them into action, which, but for this sympathy they would not be hurried into. A man of gentle thought and tender feelings at once pictures to himself, when seduction is mentioned, the betrayal of some poor young innocent girl by some artful man, her superior in age and education, and using all the wiles which go to tempt her into iniquity. Now, if a case of that kind presents itself, one's strong feeling would lead him to such legislation as this, but that is not the experience which men have who deal with those cases: it is not the experience of judges and lawyers. I have seen gentlemen in Ottawa here, within the last two or three days, men in the first rank of their profession on both sides of politics, who have seen those cases before the courts in great numbers: one spoke of having seen fifty or sixty of them. These gentlemen, who have such opportunities of arriving at a sound conclusion as to the motives of action, and as to the degree of guilt exposed in the trials before courts and juries, agree in deploring the prospect of any legislation of this kind taking place, and agree that the large majority of cases are not of the class to which I have alluded, but are of a much grosser kind—cases in which those who are interested in the girl are not unwilling and where the girl herself does not resist, and take those steps for the protection of her own chastity which every girl, who is not imbecile, is able to take. These are the cases which come before courts of justice and juries. This is a serious thing to say, and I would not state it without strong reasons. I have received communications from two of the most eminent judges in Canada who have written voluntarily, without my suggestion, against the legislation contemplated by this Bill. One of these gentlemen says:—

"I see a Bill reported by a select committee, and read a second time, making adultery and seduction criminal offences. I can hardly conceive any more dangerous step than could be taken in the present complicated state of society than to bring such matters within the scope of criminal legislation. It might suit a primitive and simple state of society like that of the old Puritan communities of New England. As an old Judge, alas, of many years' experience in trying civil and criminal cases, I look with undisguised alarm at the probable effects of such legislation on the world as it now is around us; but to my mind the greatest objection to the proposal (as I understand it), is that it is only a crime for punishment in the man and not in the woman. It is intelligible to declare that such offences are crimes, but it is absurd, to my mind, to declare that the criminality is only with one of the two actors. If it be a sin or a crime, the principals must be equally guilty. It is nonsense to declare that because the consequences, the shame and suffering, fall chiefly on the female the sin or the crime is not equally with her as with him. Such one-sided legislation is an utter confusion of right and wrong, and a burlesque on discriminating justice. I take a strong view and look upon such one-sided legislation as a tampering with immutable principles of right and wrong. Women should be made to understand that they must guard their own honor and chastity. As the law now is, they are too frequently the seducers and tempters, and then obtain, or their parents for them, damages. Give them the additional terrors of a criminal prosecution, and the effect on public morals will be indeed edifying."

HON. MR. POWER—That letter does not refer to the Bill before the House at all, but clearly refers to the Bill, as introduced in its original form, which made seduction in any case a crime.

HON. SIR ALEX. CAMPBELL—It does undoubtedly refer to the Bill in its original form, but it discusses points of the Bill which have not been eliminated, and which are before the House. The ground taken by that eminent judge is one which every lawyer who has practiced in court knows to be sound. I feel reluctant to say it, but it is not the case that the women who enter the courts with actions for damages are those who deserve

sympathy and support. The feeling of the fathers and relatives of girls who make their appearance in Court on these actions is, shall I say it, mercenary; there is no strong sense of dishonor done to the daughter or relative. There is a feeling that there should be so much money got out of the defendant, and if, in addition to putting a girl in a position to extract damages you give her the power to say, "you must either go to the penitentiary or marry me," what a temptation you offer her to sacrifice her honor! She may say in her feeling or passion, or her desire to get married, "Well, I will have him one way or the other; he will either marry me or go to the penitentiary." Is that a sound position to have the law in? I doubt and distrust it very much.

The other letter which I have points to a very grave danger which men are exposed to in their intercourse with women of this character, although it is not with reference to actions for seduction. The learned judge refers to a case where a young man was charged with rape on a young woman. The evidence of the woman was very clear; she swore to the commission of the offence distinctly. On the part of the defence it was shown that for a month or six weeks after the offence they were in daily intercourse, visiting at each other's houses and dining and taking tea together without objections from the parents on either side. When the young woman found that she was pregnant, she accused the young man of a rape. The judge, on hearing of her conduct during the month after the offence, and that the girl had made no complaint even to her mother, charged very strongly for the defence, and said the jury should acquit the prisoner. To his consternation they found him guilty. In such a glaring case he declined to pronounce sentence, and held the prisoner over for trial at the next assizes, and sent a copy of the evidence to me. He protests against this kind of legislation. It seems rather hard to present these facts: it looks like a want of good feeling and sympathy, but these are the views of practical men who have to deal with these cases. You cannot, in legislation, act on sentimental grounds, but on grounds which are really likely to affect the subject matter you have to deal with, and you cannot have better evidence than I am attempting to offer to the House.

Upon the general ground, my hon. friend from Niagara put into my hands, a moment ago, a passage from the *Bystander*, which perhaps most hon. gentlemen have seen, but which puts this question on a satisfactory basis which commends itself to my judgment very strongly, and which, I think, is the true ground to put it on. As I said at the outset, I desire, as everybody would wish, to do what is best, only I do not agree that this is best. The article is as follows:—

"Mr. Charlton moves, practically, to make the illicit intercourse of the sexes a crime, and punish the male offender alone. To protest against the injustice would be idle; philanthrophy likes injustice. But does not Mr. Charlton see that he is taking away the principal safe-guard of female purity by declaring, as in effect he proposes to do, that breach of chastity is no offence in a woman, and that even when she allures a lover, as it is preposterous to doubt that licentious women often do, she is to be regarded as a passive and guiltless victim? Law will, as usual, mould opinion, and less shame will attend what the law proclaims to be merely a wrong involuntarily undergone. In civilized countries a woman is protected from violence by the Government; against the enemy in her own breast she must protect herself; she is the keeper of her honor, and she knows that a promise is not marriage. It is singular that those who wish to call her to the exercise of political power should at the same time treat her as a creature devoid of sense and will. Violent legislation is the nostrum to which minds of a certain type are ready to fly whenever they see anything amiss, without considering what the general effect will be. A new weapon will be put into the hand of the female black-mailer, to whose machinations the characters of clergymen and medical men especially are exposed, as has just been proved by a signal example in this country, and by a tragical example in England. There are varieties of character, female as well as male, and female as well as male fiends. Of this, enthusiasts take no heed; male reputations, even when they are of the highest importance to the community, being beneath the notice of benevolence. By the provision that the offender shall be let off if he can plead that he has married the girl, a vista of conspiracy, forced marriage and domestic misery is opened to view. Any woman who can entrap a foolish youth will be able to compel him to marry her on pain of being put in the dock. Experienced lawyers say that real cases of seduction are rare; but if Mr. Charlton's Bill becomes law, fictitious cases of secuction are likely to abound. Such

Acts have been passed, no doubt, by legislatures in the United States. Legislatures in the United States will for show pass anything that is sentimental with more ease than they would pass an effective law against corruption; but to what extent have these enactments been put into execution? The illicit intercourse of the sexes is a sin which, besides destroying purity and beauty of character, poisons the very well-spring of human happiness. A crime in the legal sense it is not; much less is it a crime in one party alone. In the real interest of morality it is to be hoped that Mr. Charlton's proposal will never become law."

Now, to my mind that expresses sound judgment.

HON. MR. POWER—That again refers to the original Bill.

HON. SIR ALEX. CAMPBELL—But the reasons affect the Bill as it now stands, also. You would put in the hands of a licentious woman, or a woman full of passions, or one anxious at all hazards to accomplish her ends, not only great power, but an absolute temptation to sin, because she would feel, "I shall have that man in my power. He must marry me or go to penitentiary." Now, I think that is a very bad state to leave things in. I have said so much on this clause of the Bill merely because I wish to draw attention to it, and express the reasons which seem to me to render such legislation undesirable. I desire to draw a strict line of distinction between opposing this Bill, and not being anxious to do whatever may seem best for the purpose of diminishing the offences which take place but which, I think, should be attacked by other means.

With reference to the other clauses of the Bill, one of them, I think, is exceedingly objectionable. But first, another word as to the part of the Bill which relates to seduction: if it had drawn a certain distinction between woman as to age, as, for instance, if it had related to cases where the woman is under 17 and the man over 35, where one might suppose the youth and innocence of the girl had been overcome by the age and artifices of the man, it would have been less objectionable, but even then it is difficult to say that one of the parties is guilty of a crime and the co-sinner is guiltless. But it is still most unwise to declare the offence a crime and say that only one is guilty and yet say nothing as to the ages of the parties. Supposing the man is 20 and the woman is 25, I do not think anyone would doubt that at those respective ages the woman would be the temptress, and yet there is no distinction made in this Bill. I think that is very reprehensible.

To the second clause of the Bill, which makes the illicit intercourse of a teacher with his pupil an offence punishable with two years confinement in penitentiary, I have very strong objections; and this is one of the reasons which make me think that the Bill has not had the thoughtful consideration which it should receive. It is a philanthrophy which seeks to enforce its views by arbitrary measures. This clause making it a crime for a teacher to have illicit intercourse with his pupil, is without limit. It does not apply merely to an offence committed while the pupil is still under the influence of the teacher; it is not limited to girls of tender years; the language is general and says that in case of illicit intercourse between teacher and pupil one shall be liable to go to penitentiary and the other shall not be punished. I do not think there could be a more striking illustration of the truth of one passage in the paper which I have read than that—I mean the passage which attributes this kind of legislation to the arbitrary feeling of philanthrophists:—"Violent legislation is the nostrum to which minds of a certain type are ready to fly whenever they see anything amisss, without considering what the general effect will be." I believe that to be a true and well spoken sentence, expressing what I think many members of this House will entirely concur in. Something or other may have suggested to whoever prepared this Bill that the evil of illicit intercourse between teacher and pupil was very great, and that it must of necessity be between a man of mature years and a young and innocent girl.

When the character of this Bill became known, there was a meeting of teachers in Toronto, to protest against members of their profession being peculiarly exposed to punishment in reference to this subject. A report of the proceedings and copies of the resolutions passed at that meeting were forwarded to the Premier, who has sent them to me. One teacher says he has practised his profession for 57 years and

never known a case of the kind referred to in this clause. Does any member of this House know a cause for treating teachers in a different manner from other subjects of Her Majesty? Are they more loose in their morals than lawyers, clergymen or other classes of society? I do not think they are. Whoever drew this Bill has possibly pre-supposed that because of the relations existing between pupil and teacher, one is necessarily of mature age and the other of tender years and therefore advantage may be taken by the teacher to seduce his pupil. So far as we know, that is not the case. The Bill does not limit the offence to occasions when the pupil is under the control and influence of the teacher, but says it may take place at any time and without reference to the ages of the parties. A music teacher may have a pupil of his own age or older; they may meet at any time or place and if any offence of this kind is committed he is liable to punishment which does not apply to other subjects of Her Majesty! It would be very wrong and unjust to impose upon any class of the community such legislation.

The other clause of the Bill, which relates to the inveigling of young women into houses of ill repute for the purpose of making prostitutes of them, I am quite ready to give my acquiescence to. I know that cases of the kind have occurred; more particularly I recollect a very lamentable case being published in the English papers describing how young women were taken to such places. To a clause which would tend to prevent that I would willingly give my assent: but I repeat I am very desirous that the position taken by the House should be one which would commend itself to the thoughtful sense of the community. Therefore, I hope that the hon. gentleman from Toronto (Mr. O'Donohoe) who gave notice of a motion to reject the Bill altogether, will not press it. The subject deserves most careful consideration, and the very reasons which induce me to think that it has not had sufficient consideration on the part of those who propose it, are reasons why we should endeavor to deal more carefully with it. My suggestion is that the Bill should be read the second time now and referred to a special committee to consider it, and I would be very anxious that that committee should be so composed as to give it the best consideration which it can receive from members of this House. Hon. gentlemen may have some difficulty in assenting to the second reading because many of them are opposed to it on principle. I am, myself, as it stands, opposed to it, and I think the way to overcome that difficulty will be to let the Bill be read the second time with the understanding that hon. gentlemen are free to oppose the measure, if they think fit, when it is reported back to the House by the special committee to which I propose that it shall be referred.

HON. MR. KAULBACH—After paying close attention to the remarks of my hon. friend who proposed the second reading of this Bill yesterday, I rose to my feet hoping then to be able to express my dissent, and to show why in my humble opinion this measure should not become law. I was anticipated, however, by the hon. leader of the Government, and was very glad to yield the floor to him. I now rise with great diffidence to speak on the subject after having heard the able remarks of the Minister of Justice. A great deal that I intended to say has been said by him, and anything I could now utter would be but a feeble repetition of what has fallen from my hon. friend. Feeling, as I do, however, that we should not commit ourselves to the principle of the Bill, I believe that it should not be read the second time. I regard it as a violation of those principles of right that should influence all our deliberations. While we must all feel solicitous that innocence and virtue should be surrounded by every safeguard, and while we believe that the purity of woman lies at the basis of social and moral life, at the same time we must feel that such a measure as this is a slur and reproach on the self-respect of Canadian women.

Seduction is a sin of two, accomplished by the free consent of both parties. Our criminal law protects women from force and violence—and our civil law from and against fraudulent promises of marriage. To go further than this is not to be desired by any woman of self-respect. This Bill says, in effect, "you Canadian women are so abandoned and effete in virtue that the only safety and protection for you—your

only chance for honorable existence, is in passing a law making seduction a crime in men, but not a crime in you women." This Bill is barren of any good, and fruitful of great evil, giving a bonus to unchastity, driving the seducer—possibly the more innocent party—to flight, and the woman to abandonment and exposure of her guilt, or to an enforced and unhappy marriage with all the dreadful consequences of such a union. It offers terrible temptations to designing women, and even to some parents to pander to the seduction of their children for the purposes of an alliance, or blackmail. The Bill as it is has social dangers. It opens up a new way of getting a living by sin and shame. It places the power in the hands of an unprincipled adventuress to trade in her own loss of virtue, and to entrap and make victims of the youth of our country. And it widens the door to prying fraud and countless other evils. The really injured girl who has been betrayed through her confiding nature and the trustfulness of her womanly heart will not give evidence; to her this Bill, if made law, would afford no consolation. Woman's purity lies at the very root of our social fabric, and the peace and happiness of the community. No country can prosper and take high rank without woman's moral standard being kept exalted. All possible safeguards should be thrown around innocence and virtue. But the natural guardians should be the surest safeguards to our daughters' virtue. The criminal law cannot supply their place. Women's purity cannot be secured by any criminal enactments.

My hon. friend has failed to show that there is a necessity for such legislation, and until such time as that necessity arises—which I hope will never come—it is premature to anticipate it and legislate for a crime that does not exist. The hon. gentleman from Halifax says it will prevent this crime from becoming fashionable, but the crime must first exist before it can become fashionable. In the course of his remarks he referred to objections that had been urged in another place against this Bill for the purpose, as he said, of controverting them, but the cases he cited, where other offences such as obtaining money under false pretences, stealing, etc., are made crimes, have no analogy to an offence of this kind. A virtuous woman who has fallen in the estimation of society, by an error on her part, is not the woman who will come forward and expose her wrong and seek for the punishment of the offender. When the woman does come forward under such circumstances, it is because she has inveigled the man and is endeavoring by her own acts to bring him to one of two things, either to marry her or send him to the Penitentiary. I do not think, after the remarks of the leader of the Government, that it is advisable for me to say anything more on this subject; he has so fully brought the matter before the House, that anything I might say would be superfluous and unnecessary. I am satisfied that if this Bill were placed in the hands of those most interested—the women of the country—and their opinion were asked with respect to it, they would say that it was a law that was totally uncalled for; I am glad that we are in the future to have to a large extent the opinions of women on public questions, and I am satisfied that if those of them to whom the franchise is to be given, were asked if a measure of this kind was a necessity, their reply would be that it was not, and that it was a slur on womankind.

Hon. Mr. POWER.—I wish to say that I am perfectly willing to accept the suggestion made by the hon. Minister of Justice.

Hon. Mr. ALLAN.—The hon. leader of the Government referred to a meeting of school teachers, in Toronto the other day, and to the resolution passed on that occasion. I would like to read a communication sent to me from that meeting which is as follows:

Toronto, April 14th, 1883.

Hon. G. W. Allan, Senator.

Dear Sir,—Herewith is enclosed a copy of a resolution adopted unanimously at a public meeeting of teachers, held in this city on the 12th instant; embracing both those teaching in schools under Government Inspection and in Private Institutions. The opinion of all present was strongly adverse to the second clause in Mr. Charlton's Bill; as they considered its tendency is to inflict grievous injury on the country, by lessening the respect of the community towards a class of men occupying a most responsible and honorable position; and, also that, if it becomes law, a flagrant injustice will be done

to the teachers by subjecting them to the constant suspicion of their fellow-citizens.

We have the honor to be, Sir,
Your obedient servants,
(Signed),
Committee { ARCHIBALD McMURCHY, SAMUEL McALLISTER, RICHARD LEWIS.

The resolution referred to is as follows :

"Resolved—That a meeting consisting of teachers of every class and subject, regards clause No. 2 in Mr. Charlton's Bill for the punishment of seduction, as unjust to the profession, and desires to record its protest against the invidious distinction therein contained. It therefore recommends, as the Bill is imperfect, in that it fails to reach all who have influence over female minors, that another clause be substituted, which will embrace under the penalty all persons who are guilty of seducing female minors."

No doubt hon. gentlemen have all seen this report, and it is therefore unnecessary to dwell upon it, but there can be no question about the very strong feeling of indignation—and I think very just indignation—which the clause of that Bill, here referred to, has excited, in the minds of teachers in that part of Ontario. Therefore, I certainly hope, the clause will not be allowed to stand in the Bill, if passed. After the appeal which has been made by the hon. Minister of Justice, I earnestly trust that the hon. gentleman from Halifax will not press his motion. While I should be very sorry to see this House indulging in what the leader of the Government has called sentimental legislation, yet I think that the Senate should give its most grave and careful consideration to this subject, and not simply reject the Bill without any further consideration. I think if the Bill is allowed to go to a Special Committee, and if it is found that it cannot be put into such a shape as would justify this House in passing it, then it can be dropped. I would be very sorry, moreover, to see it given the six months hoist.

HON. MR. O'DONOHOE—When I proposed yesterday to have this Bill read six months hence, instead of now, I had not the advantage of hearing, nor did I know myself, what was the opinion of the leader of the Government. But, while I am glad to hear the reasons which he has advanced against the Bill, still I am not of one mind with him as to the preservation of any portion of it. To my mind the Bill, from beginning to end, is crude legislation, of a piece with legislation of which, in the province from which I come we have had entirely too much, and which has been to the detriment of the general interests of this country. But, inasmuch as the honorable leader of the Government proposes that the subject should be referred to a committee, and by that means the matter will still have more consideration, than it might possibly have here, I cannot find any objection, and have none at all to agreeing to the proposition he has made. Taking the Bill from the hands of its promoter here, and judging of it by what he advanced in its favor, there is no case made, in my opinion, deserving of legislation. The hon. gentleman from Halifax has gone back to the very threshold of the heptarchy, and he has traced down the criminal code from that hour to the present, and still he admits that only a few cases can be found. Now, if there was anything needed to prove that there is no necessity for such legislation as this, it does seem to me that that has been proved most exactly by the hon. gentleman who has charge of the Bill.

HON. MR. POWER—If the hon. gentleman will excuse me, I would say that I made no such assertion.

HON. MR. O'DONOHOE—My hon. friend will allow me to say that in speaking of the number of cases that he could advert to, they were very few; at all events I noted his words at the time, and if I am wrong I am quite willing to be corrected. In all the legislation of England there has never been an attempt made to convert this into a criminal offence: it is not in its very nature a criminal offence, and never was, and although legislation has gone on in the United States in regard to it, it is necessary in the direction of changing the mode of recovery of civil damages. Instead of such legislation being advanced to-day in England, actions of this sort are diminished. In the very last Parliament, breach of a promise of mariage was by legislation rendered no longer actionable; so that offences of this nature should be regarded as rather civil than criminal.

HON. MR. KAULBACH—Is my hon. friend correct in saying that breach of promise of marriage is a civil offence, and that the remedy has been cancelled in England?

HON. MR. O'DONOHOE—That is as I understand it. It surprised me very much; of course I have not got the reports of the speeches from any authoritative source, but the ordinary reports of the Debates in the House of Commons were to that effect.

HON. MR. POWER—It is only the other day that a member of Parliament (Mr. Biggar) was cast in heavy damages in a suit for breach of promise.

HON. MR. O'DONOHOE—Yes, I know all about that. The observations which I had intended to address to the Senate are rendered unnecessary by reason of the remarks of the hon. Minister of Justice, and therefore I am relieved of the necessity of advancing against the Bill, at present, reasons which I intended to present to this House. But while, to my mind, every portion of the Bill is objectionable, there is no part of it more so than that which selects the body of teachers particularly as the object of its provisions. I feel that that clause must be extremely offensive to a body of the most cultivated men in the country, and while they are so selected, no reasons and no statistics are gives for such a selection. Their opportunities are not so good for the commission of this crime as is the case with some other professions. They are not as good by reason of the very numbers of their pupils and the very hours of their attendance, as well as from the nature of their duty to the pupils. All these conditions give them no such opportunities as are possessed by the minister, by the lawyer, or by the doctor. The doctor finds his patient alone with him and the very nature of the malady of that patient must be disclosed to him, and bring him in contact more closely with her than is the case with the teacher and his pupil. So the lawyer, in his position as counsel, or as adviser; he is alone with his client: and the minister in like manner. Why then should the body of teachers—that body who from their very youth are trained for the very purpose of educating the youth of our country—why offer them a gratuitous offence such as no body of men could silently endure? The hon. Minister of Justice speaks of some one clause that might be left in the Bill, and while I do not agree that it has any clause in it which should be continued, yet, inasmuch as the leader of the Government desires to refer the Bill to a committee, which I presume will be, as it were, a crucible in which to test every line of the measure, I can have no objection ot that course; and, awaiting the deliberation and actions of that committee, I shall reserve any further remarks that I have to make upon the Bill until the report of that committee is received, if in the wisdom of this House the Bill is so referred.

HON. MR. READ—I would like to say a few words on this crude, ill-digested measure. I must say that I endorse almost every word said by the gentleman who has just resumed his seat, and certainly the second clause of the Bill seems to me very extraordinary. I will just read it to the House, that hon. gentlemen may all see the objectionable character of it. It is as follows: "Any person who is a superintendent, tutor or teacher in a private or public school, or other public institution of learning attended by females, or who is instructor of any female in music or any branch of learning or art, who has illicit intercourse at any time or place with any female under his instruction, or attending such school or institution during the term of his engagement as superintendent, tutor, instructor or teacher, shall be guilty of a misdemeanor, and shall be punishable as hereinafter provided."

Now what is the effect of that provision? The tutor, instructor, or superintendent may never have seen this female attending the school; she may not be in his class or department at all, she may be chaste, but it does not say she shall be of a moral character, and she may be attending the school taking drawing or music lessons, or any other instruction, yet she may not be in the department of the person who may afterwards have illicit connection with her. She may not be of a chaste, moral character, and he may meet her at any time during his engagement as a teacher—at any other place—and be liable under this clause. She may perhaps, at the time she is taking these draw-

ing or music lessons, or lessons in any other department, never have come in contact with this man before, and—I am giving a possible case—she may be under the protection of another man at the time the illicit intercourse may have occurred. Therefore I hope that this second—this most objectionable—clause of the Bill will be expunged when it goes before the committee. Hon. gentlemen will remember that there is such a thing as blackmail, and a female going to school may aspire to a husband. We saw only a few days ago that a minister in Brantford, Rev. Mr. Black, was conspired against by his own wife and a girl in his house, but he has been exonorated from any charge against him, and his salary has been increased by his parishioners. I consider the whole bill crude and ill digested. It wants the pruning knife, and I hope it will be used with effect when it comes before the committee.

HON. MR. OGILVIE—I shall occupy but a very brief portion of the time of the Senate. I do not say, as did the hon. gentleman who spoke last, that this measure requires the use of the pruning knife; I do not think it does. I think it requires more, notwithstanding that I have to differ from the opinion of the Hon. Minister of Justice, which I do but seldom—I think that in this case the hon. gentleman from Toronto (Mr. O'Donohoe) was right when he said that the Bill should be thrown out altogether. I have listened carefully to this discussion, and as there have been some few articles read expressing the opinions held elsewhere, perhaps I might be allowed to read to the House a short article from a recent number of a Toronto paper; It says: "That estimable class of the community, the teachers, very justly express their objection to the slur cast upon them by that remarkable piece of Pharisaic legislation called 'Mr. Charlton's Seduction Bill.' The marvel is that there has not been a meeting of women to protest against the far greater slur cast upon them, not by one clause only, but by every word and letter of the bill. Given protection—legal protection—from force and fraud, dare it be said that the women of Canada are too conscienceless and mindless, too evil and too ignorant in freedom of will to preserve themselves pure? Are the mothers and fathers in Canada too heartless and foolish to be trusted to point out to their children the difference between good and evil, and so enable the young and inexperienced in freedom to protect themselves from that voluntary participation in sin, without which no 'seduction' can occur? Why should law commit a glaring injustice by making 'seduction' a crime of one, when everyone knows in his and her heart it is a sin of two—a sin against each other, against the present and the future race, and against religion of every kind, agnostic inclusive, which acknowledges a moral law?

"Should this bill become law the first outcry against it will be from women themselves—from mothers, probably, whose innocent (?) sons have been 'led astray' by some 'designing girl.'

"As one of the first—if not the very first, who wrote plainly and sharply against this worse than nonsensical piece of legislation, may I add that I plead guilty to being one of those inclined to look upon the Senate as a useless incumberance. But I cry 'peccavi.' It is in cases like these where the fear of constituencies has forced members to bow to the clamour of a sham morality, that the calmer judgment, and more assured position of the Senators, may prove useful in throwing out the bill, which is contrary to all principles of justice and equity. If the Senate does so, it will go far to convince many that their usefulness is not gone."

I can only say that I agree with the sentiments therein expressed, and I am only sorry that the bill is not thrown out, and that we are not done with it altogether, for I think the longer we keep it before us, the worse it is.

HON. MR. VIDAL—While I agree in the main with the observations which have been made by the hon. Minister of Justice, with respect to this Bill, I do not totally coincide with him. I take issue with some statements he has made with reference to the contents of the Bill, and the general arguments he has adduced against its being entertained. He has drawn a distinction between crime and sin, intending us to understand that the crime really against which this Bill is directed is not properly so called, but that it comes under that category of sin which we, as legislators, cannot hope to prevent

by any enactment. I consider it to be a crime, and a crime of the most heinous nature. It has already been urged in this debate, by the hon. gentleman from Lunenburg, that every protection is granted to women, and that no man can lift his hand to do her injury, yet while our law will protect her from receiving a trifling injury at the hands of a man, and will execute the penalty of death upon a man who shall take her life away, still there is no penalty to be inflicted upon the man who takes from her what is more dear than life. Is that no crime, to take from a virtuous woman that which to her is more precious and more dear than life itself? How often have we seen the result of a transaction of this kind lead to suicide, or if not to suicide—if there is not, shall I say, the moral courage to commit suicide—to even worse—to the complete destruction of the woman's moral character and virtue, and drive her to associate with those who are living lives of profligacy and sin. I hold that this is not only a crime against the individual woman herself, but it is a crime which entails misery and anguish upon all those who are connected with her. What would be the feeling of a parent, or a brother, or any dear relation when such an outrage as this is committed upon one near and dear to him? I do not wonder that a father or brother, utterly regardless of the restraints which the law would throw about him, would take the knife or pistol and seek vengeance upon the man that shall have destroyed everything that to him was precious in daughter or sister. I think that, while our laws do not denounce and punish the commission of this crime, we may always expect that there will be the acts I have instanced, on the part of those so seriously aggrieved. I think, in the interests of society, there should be a law upon our Statute-book declaring that this is an offence or crime that will bring disgrace and penalty upon the man who commits it, as well as upon the unfortunate woman—the victim of his lust. In the Bill before us it is provided that it must be a crime distinctly proven on the part of one, and that the other is the victim and not an accomplice in the crime. I hold that the treatment which those guilty of this offence receive at the hands of the world at large, is such that it is the most unjust and arbitrary thing one can imagine. You all know that the woman's character is destroyed. No matter how virtuous she may have been; no matter how deeply laid the scheme which has destroyed her virtue, she is repudiated, she is cut off from her sex, she is no longer recognized in society, and is driven from association with those who before were her friends. And what becomes of the man? Does he suffer disgrace or social ostracism? Far from it; there is no retributive justice attending him for the crime he has committed; he carries his head high, and there are some base enough to boast of the skill with which they have accomplished their vile purpose. I think it is clearly a crime, and one which ought to be punishable by law. Now, it is said we are a virtuous people, and that this crime is not common in our midst. I rejoice to believe that testimony, as far as my information, experience and reading go. I do not think that, as a people, this crime is at all common amongst us; but we do not wait for a crime to become common before we pass laws against it, we not wait until a large number of murders are committed before we enact a law for the punishment of that crime, nor do we delay until a large number of places are blown up by dynamite before laws are passed against the illegal use and keeping of that article. And I ask why are we to wait here until this crime of which we are speaking is committed so frequently that public sentiment will be aroused throughout Canada, and legislation be forced upon an unwilling Parliament? If it is a crime—and we are quite competent to judge whether it is or not—let us deal with it intelligently, and bring our judgment to bear upon it. I am not prepared to take this measure as it comes to us, and I fully appreciate many of the observations which have been made, especially by the hon. Minister of Justice, upon it. I entirely agree with him that the first clause must be restricted by mentioning the age of the person; I think that is very essential, and I have reason to believe that such an alteration would not only meet with no objection, but rather would be regarded with satisfaction by those who have taken an interest in this Bill and desire to see it on our statute book. In the committee, therefore, I presume, there will be no objection to meeting that

difficulty and fixing some limit—19, 20, 21, or whatever age may be fixed as that under which a person must be, in order to constitute this a crime. I entirely agree with the warm feeling which has been expressed, even by the opponents of this Bill, with reference to the second clause, and its allusion to our teachers ; I think it is a most invidious clause to have in the Bill, and why they should be selected I cannot conceive, for I can think of many other relations in life where the power and temptation to seduce would be equally strong. The case of the guardian and his ward has been already mentioned, the physician and his patient, the lawyer and his clients—all these are standing just in the same category as the teacher and his pupil, and I think it is a great pity that such an invidious distinction should have been made. Now, my impression is that the intention of the author of this Bill was simply to point out that where, in virtue of such a relationship subsisting between them, a person is placed in a position where he may acquire great power and influence over any woman, and where this is taken advantage of, it shall be called and punished as a misdemeanor. That is the meaning of it, and the clause may possibly be so altered and re-worded as in general terms to meet this case, without unjustly reflecting upon or alluding to any paaticular class of our people. The third clause of the Bill is, I think, admittedly a good one, though of course I understand it does not meet with the approval of all the hon. gentlemen who wish to reject the Bill altogether. I think it is a very important section, and one which, so far from wishing removed, I would rather see strenghtened and made if possible more operative. Now objections have been taken —the Minister of Justice particularly stated to objections to this Bill—which really do not apply to the measure which is now before us. They applied very distinctly, and I felt them myself, to the Bill as it was originally introduced in the House of Commons, but these objectionable features have been taken out, and there is nothing in the bill which offers the slightest inducement, or puts it in the power of any designing woman, to levy blackmail on any man, or to compel any man to marry her. These two points have been very much dwelt upon in the extract which has been read to us, and of course it was in the original Bill ; but it contains nothing now which would encourage any one to endeavor to levy blackmail, as has been done sometimes by designing women. Not only that, but so thoroughly are the circumstances defined and guarded in this matter, that my fear is that the safeguards which are thrown around the man, to protect him from this blackmailing, are such as to make conviction a very difficult, and almost impossible thing. It is not often that the evidence of the woman can be so substantiated by others as to prove all the things which are required to be proved by an independent witness before conviction can be obtained; so I think every safeguard has been thrown around those who might be supposed to be injuriously affected by the passage of such a Bill. The remaining clauses are all in the same direction, limiting the time in which action shall be brought, and generally throwing difficulties in the way of any person using the Bill as a means of imposing either upon society or an individual, whom they may desire to mulct in a sum of money, or to compel to enter into the state of matrimony. I am very glad that the hon. Minister of Justice has suggested that the Bill be referred to a committee; I think it would have been a pity and wrong to have thrown it out without giving it consideration. I am glad, also, that when the report of that committee is brought to this House it is to be considered that the discussion may go on just as upon a second reading, and that the principle of the Bill may then be attacked, or defended, if necessary. In the meantime I think the Bill should be allowed to have its second reading, and go to the committee.

Hon. Mr. FLINT—I listened with a great deal of attention to the remarks made yesterday by the hon. gentleman from Halifax (Mr. Power) and also to the remarks which fell from the hon. Minister of Justice to-day, in relation to this matter; as well as to the expressions of other hon. gentlemen. I have but one opinion of this measure. I look upon it as a most dangerous Bill, and had the motion for the six months hoist been made, I certainly should have voted for it. I look npon it that we are legislating in a very dangerous direction in reference to this

matter. Now, as to the first clause, which says:

"Any man who shall, under promise of marriage, seduce and have illicit connection with any unmarried female of previously chaste character, shall be guilty of a misdemeanor, and shall be punishable as hereinafter mentioned."

How are we to prove that this person was of chaste character, or how are we to prove she was not of chaste character? That is a point that would, I think, be attended with a great deal of difficulty in a court of law. There may be cases, and I think I know of one in particular, where a young man paid attention to a young woman, and got entirely sick of her. He obtained his desire, and then palmed her off upon another by getting him to visit her and having criminal connection with her, and then she forced him to marry her, under the promise of marriage. We all know—at least I do at my time of life, having seen so much of the world—that there are females who are so desirous of having husbands, that if they cannot have them legitimately, they take some other course, and by this Bill we are placing it in the power of designing females to compel men to marry them or send them to the penitentiary. I think this is rather hard, and I am opposed to that portion of the Bill. I believe it to be wrong. As to the second clause it is altogether wrong. If this Bill became law I believe it would be difficult to find a man who would be willing to become a teacher, and those whose business is teaching would feel so thoroughly disgusted at such invidious legislation, that they would seek some other calling. As to the third clause, it is quite right that persons who are guilty of inveigling young females into houses of assignation should be punished; but is there not already a law on our statute book to punish such offenders? I do not know what my hon. friend the Minister of Justice will say with reference to that, but I have know of one or two cases where parties have been tried on such a charge, found guilty, and severely punished. I cannot give the names—I do not remember them now—but I have a recollection that such has been the case. If that is so, and we have on our statute book a law sufficiently stringent to punish such offenders, where is the necessity for this clause? Now as to the 4th clause, it provides that in any case arising under section one, two or three of this Act, the testimony of the female in respect of whom the offence is alleged to have been committed shall not be deemed sufficient to sustain a conviction unless the same is corroborated by other material evidence. Under that clause there is no difficulty in obtaining sufficient evidence on the part of the female to convict the man of having promised marriage, and possibly the female might feel inclined to go further than that, and even without promise of marriage, place the man in such a position that he had either to face matrimony or the penitentiary. We know that females do not always swear truly any more than males, and consequently it would be placing a very dangerous act upon the statute book to enact any such clause as that. As to the criminality of such an offence, if there is any criminality in it (and I am willing to admit that there is, as well as sin) then both parties are equally criminal, and if you will amend this Bill so as to send the seduced as well as the seducer to the Penitentiary for two years I think it will be the best Bill we can pass, because it will certainly be the means of doing away with all such prosecutions. I am one who feel that it is necessary to take as much care as we possibly can of female character. I have always done so myself, and I despise that man—and I always did when I was a young man—who boasts that he has had intercourse with a certain female. I have always avoided the company of such men; I feel so to-day; it is abhorrent to me to have anything to do with a person who has been the means of seducing any female. But, on the other hand, I believe that the woman is as often the seducer as the seduced. The woman has her chastity to take care of, and she knows it, and if she does not do so she is as guilty as the man who seduces her, and under such circumstances I cannot see why he should be punished, while she should go free. It is true that she loses her position in society from such a cause, but she deserves equal punishment with the partner in her guilt. I do trust that the Bill will be thrown out, or that the clauses in it which are so objectionable will be very materially amended. This measure has been imported from the United States. I

think, hon. gentlemen, we are perfectly capable of making our own laws, and particularly those for the repression of crime—quite as capable of doing so as our neighbors on the other side of the line. There is no such law in England; I trust we shall never have any such law as this in Canada.

HON. MR. SCOTT—It is quite evident from the current of thought that has fallen from the gentlemen who have addressed the Chamber, that this is a congress of males. It is quite clear that the female portion of the community is not represented here. The tendency of the great majority of the speakers has been in the direction of shielding men from the consequences of their own wicked and improper acts, and a disposition to make it appear that what is so great a sin before God is less than a crime before man. I think if it is not a crime now under our statutory laws, the sooner it becomes a crime under the law the better for society. Some hon. gentlemen have maintained, as the hon. gentleman who has just sat down, that if there is a crime, two are parties to it. In some sense he is right, but not to the extreme conclusion that the observation would presumably lead. This Bill takes cognizance of it only in the case where seduction takes place under peculiar circumstances, where it is under a promise of marriage. The first clause applies only to cases of that kind, and I am free to say in answer to the argument that has been advanced—that it exposes a man to black-mail—that I cannot agree with the observation, inasmuch as it requires corroborative evidence, in addition to that of the woman, before any charges of this kind can be made. It not only requires that her testimony should be corroborated in both important particulars, that is, as to promise of marriage and as to her being chaste, and as to the seduction, but as to all points it requires to be corroborated. In addition to that there is one peculiarity which is a marked innovation in our law, and which exists only in ordinary cases of assault. There is this provision, which is no doubt quite right and proper, that the man is a competent witness in his own behalf, and can go into the witness box and give his own statement of the circumstances. I think, therefore, the man is placed in a position in which he has ample protection. He has the advantage of giving under oath his own statement before the jury and the court that have this matter under enquiry, so that I think the argument that this measure may be made the vehicle of black-mail falls to the ground, because so many contingencies have to be observed, that it is quite impossible that a woman who would have no case could succeed against a man under those circumstances. As to the argument that both parties are to blame, it is true they are in some degree, although in the case that this law seems to provide for, that is, where the act takes place under promise of marriage, and under the belief that at an early period they are to be man and wife, it does seem to me that the position of the parties is absolutely different. I am not drawing on my imagination when I say that the consequence of seduction under such circumstances is offspring. What is the position of the two parties? The woman, as has been very properly observed by the hon. gentleman from Sarnia, who addressed the House a few minutes ago, loses her position in society. The finger of shame and scorn is pointed at her by all who know her. She becomes a Magdalen; she loses her opportunity for taking that position in life which all women aspire to, of being the wife of some respectable man. The man never loses caste. It is no slur against him. It is rather a feather in his cap, in some conditions of society, that he was able to accomplish such an act, and so it is quite evident that to that extent the two parties are not equally punished for their sin. It cannot in any sense be argued that society metes out to the male and female the same punishment for the commission of this deed. Some hon. gentlemen have adverted to the fact that this crime is of rare occurrence. I am sorry to say it is not of rare occurrence. During a long practice of my profession I have had considerable familiarity with the courts, and twice a year the existence of such comes under my observation, because I have had to do in some way or other with the administration of justice—either to give advice, or prosecute for one of the parties—therefore I am sorry to have it to say that my experience of society will not allow me to pay society the compliment

that some hon. Senators have done, that this crime is not of common occurrence. Under a solemn promise of marriage to make the woman his wife, to be joined with her during the rest of his life, he obtains what very many women of excellent character would yield to the man who she believes is about to become her husband. I believe, and statistics prove, that the ceremony at the altar is very frequently anticipated, but it is done as a rule under the assumption—and I am happy to say that that assumption is justified in the great majority of cases—that they are shortly to become man and wife. I desire to call attention to the consequences: Of the woman a child is born; she is lost; the father of her child has abandoned her and cast her aside, and what is the first temptation? Either to destroy that child before it has had its little life, or to destroy it after it is born into the world. Hon gentlemen who are not perhaps, familiar with the Courts may imagine that those instances are of rare occurrence. I am sorry to say they are not rare; they are occurring every day—cases where embryo life is destroyed, and society knows very little of it. Medical practitioners are called in, whose regular occupation is the destruction of embryo life, and it is only where it results in death to the victim, and coroner's inquests and *post-mortem* examinations reveal the cause, that the public know anything of it. We also hear of cases where the mother is driven to commit murder after the child is born in order to conceal her shame. I can mention cases that have occurred within my own experience—occurring twice a year. Within the last day or two I have had just such a case under my observation, where a girl in the adjoining township of Nepean was seduced by a man under a promise of marriage. He abandoned her after accomplishing his purpose. She had no friends. The infant's life was taken by herself immediately after it was born—that was the coroner's jury's verdict—and she was imprisoned in the county gaol on a charge of murder. A more humane view was taken of the matter by the Grand Jury yesterday, and they reduced the crime to "concealment of birth," although the medical testimony was most conclusive, that the child had been born alive and that she had rolled it up in her clothing so that she could dispose of it, and hid it in her trunk. At the Assizes preceding this one now sitting, a woman was brought before the court charged with having committed murder. She had deliberately shot a man on the public highway in the township of Huntly, not very far from this city. I was the prosecuting officer on that occasion. It came out in evidence, and was made clear to the jury who tried that woman for her life, that this man had promised to marry her, that she was likely to become a mother, that he had refused to carry out his promise, and that in a moment of desperation she had met him on the highway and shot him. He did not live a moment after the shot, and was found dead on the road a few minutes afterwards. These facts were all disclosed to an intelligent jury, presided over by one of the leading judges of this country. That jury took a very short time to deliberate over it; they acquitted the woman, and thereby stamped their verdict that they considered the man had committed as great a crime as she had. I think the jury were wrong, but I simply quote the case to you now as showing what society, and what the class of people who are charged with the administration of justice thought of this particular crime. They considered that he had committed a crime, and that she, in her frenzy at the peculiar position in which she was placed, was justified in taking his life without one moment's warning. I may say that the court acquiesced in the verdict—perhaps acquiesced is too strong a word to use, but it was left largely to the jury to say what should be done, and the jury acquitted her and she walked out of the box as if she were guilty of no crime. I think it was wrong. No doubt it was shocking and improper in every respect, but there was no legal way of punishing the man. Those cases are constantly occurring. If we take up the reports in the press, of events that occur to the south of us, how often do we read of injured women taking the law into their own hands; when nothing else can be done to the man he is made to pay the penalty of his wickedness with his own life at the hands of the woman he has betrayed. And I ask this House if there is a jury on this continent who ever sat on a case of that kind, or a British jury that would regard the woman as guilty of

murder under such circumstances? I have yet to learn where the first case of conviction for such a crime has been recorded. It is quite possible there may have been cases in which convictions have been obtained, but they have not come under my observation. I do not intend to go into the details of this Bill; I simply rose for the purpose of expressing my dissent from the general current of thought that seemed to prevail in this Chamber on this subject, that we are advancing too rapidly by making seduction a crime. I have long felt that it was quite time an Act of this nature should be placed upon the statute book, and considering with what precaution this Bill hedged about the misdemeanor, I looked upon it as perfectly safe. It is only in the clearest possible case, and when in the opinion of most men at all events, punishment ought to be awarded, that the charge can succeed; because the corroborating evidence must contain all these incedents: the woman must have been a chaste woman, she must have been seduced under a promise of marriage, and then that evidence must be corroborated by some one acting in her interest, or on behalf of the prosecution. The man against whom the charge is prefered then himself has the right to enter the witness box and give his own statement of the affair, and testify to the character of the woman——

HON. MR. KAULBACH—Who is to prove that she is chaste?

HON. MR. SCOTT—She must establish that herself. It may perhaps seem paradoxical in the eyes of the hon. gentleman that any woman can do that, but I have a higher opinion of the sex, and I think that it will not be so difficult of proof if a case is attempted to be made out under this Bill. The woman must clearly establish that she comes within the provisions of this Bill. There must be proof given that there was a promise of marriage, and that there must have been a seduction and illicit connection; the woman must be unmarried, and must previously have been of chaste character, all of which must be clearly established as the foundation of her case. Having shown this by her own statements he must corroborate it by a purely independent witness. That evidence may then be refuted by the sworn evidence of the man himself, who perhaps may be able to establish to the satisfaction of the court and jury, who are charged with the inquiry, that the charge was not one which ought to succeed against him. I can quite conceive cases, where, even in the face of evidence that would be required under this Bill, the statement of the man, corroborated as it might be by other circumstances, would be believed in preference to the statements of the prosecution, and therefore I cannot understand how there is any possible danger of a man being placed in the position some hon. gentlemen have feared he might be, by an improper effort, either to blackmail him or to damage his character, by taking proceedings against him under this Bill. I do not desire now to speak upon the details of this Bill, but merely as to its principle. I think that principle is a sound one, and that so long as we duly protect the persons who may be prosecuted under it from any improper efforts that may be made against them, we shall have done quite sufficient in seeing that the Bill does not operate injuriously in the direction feared by some hon. gentlemen.

HON. MR. DICKEY.—I do not rise for the purpose of continuing this discussion, but of making a suggestion. Indeed, from the position this question has assumed since we came into this Chamber it seems hardly worth while to continue the discussion upon the principle of the Bill. I agree with my hon. friend who has just sat down in one thing at all events, that it is quite evident there is a strong and wide-spread feeling against the principle of the Bill, as well as against its details. It is quite evident that if we read this Bill a second time we shall be placing gentlemen who are opposed to its principle in a false position, and it is with a view of, as far as we can, protecting the House, and keeping ourselves right in the matter, that I wish to make a suggestion.

A motion has been made for the second reading of the Bill. My hon. friend the Minister of Justice in the able argument against the Bill which he has offered to this House, and which has not yet been answered, closed with the practical suggestion that the Bill instead of being read a second time should be referred to a

Committee, who should prepare and present to the House a proper Bill upon the subject. Now what I want to ask my hon. friend the Minister of Justice, and what I should like plainly to be understood, is, what are we going to vote upon? The motion has been made for the reading of the Bill. I take it that the proper course to pursue, is that the Bill be not now read a second time, but that it be referred to a special committee to examine and report upon it, and in that way gentlemen who are opposed to the principle of the Bill at present cannot object to that motion, and the promoters of the Bill can ask no more, because the Bill will come back from the Committee, and then the House can deal with it as they choose. Then they can accept the Bill as they probably will when reported by a committee in which they have confidence, or they may reject it altogether: their consistency will be preserved, and our rules will be followed, and we shall not be obliged to resort to any excuse to evade them. I think that will be the best way of dealing with the question, and therefore I hope that the Minister of Justice himself will move in amendment that this Bill be not read a second time but referred to a special committee to report upon.

HON. SIR ALEX. CAMPBELL—I did not intend to suggest that course to the House, but to allow the Bill to be read a second time, with the reservation on the part of hon. gentlemen that they did not, in agreeing, under the circumstances, to the second reading of the Bill, assent to the principle, but reserved to themselves the power of voting upon the principle when it came back from the Committee. Of course it is the general rule that the House adopts the principle of a Bill upon the second reading, but that rule can be departed from at any time if the House should see fit, and if that course should be followed in the present instance I do not think any harm can be done, and it will be more courteous to those gentlemen who have the Bill in charge. That was the nature of my suggestion, and I did not intend to move it in amendment to the motion for the second reading, but to allow the second reading to pass, and then ask that the Bill be referred to a special committee on the understanding I have already stated.

HON. MR. POWER—Before the question is put, I wish to make a few remarks. I simply desire to protest against the expressions of opinion I have heard from a number of hon. gentleman, that this was a crude and ill-digested measure. We have heard the hon. gentlemen from Quinte, Trent and Alma laying it down as their opinion that this was a crude and ill-digested measure. That was a most unjustifiable reflection upon the House of Commons. This Bill was introduced in that House last year, was referred to a special committee of men well qualified to consider it, and was reported by them with considerable amendment. The same course was taken this year. The Bill was read a second time, and referred to a Special Committee. That Committee was composed chiefly, if my memory does not fail me, of lawyers in large practice—men of sound common sense—and they considered the Bill very carefully. They made a great many amendments to it, and it was reported to the House of Commons, and considered very fully there, so that I think this Bill is less open than any other which has come before us this session to the imputation that it is a crude and ill-digested measure. If any hon. gentleman will take the trouble of looking at the laws bearing upon the same subject which have been enacted in the United States, he will see that this Bill is more hedged around with provisions preventing blackmail, and the abuse of its principle, than any law on the Statute Books of any State in the Union. I think it is only fair to the House of Commons to make these remarks.

The motion was agreed to and the Bill was read the second time on a division.

HON. SIR ALEX. CAMPBELL—I will now move that the Bill be referred to a Select Committee to consist of hon. Messrs. Power, DeBoucherville, Botsford, Kaulbach, McClelan, McInnes, (British Columbia) Miller, Pelletier, Plumb, Scott, Vidal, and the mover.

The motion was agreed to.

FARMERS BANK OF RUSTICO BILL.

SECOND READING.

HON. MR. HAYTHORNE, moved the

second reading of Bill (28), "An Act to continue an Act to incorporate sundry persons by the name of the President, Directors and Company of the Farmers Bank of Rustico."

He said:—If it had not been for the extreme jealousy displayed during the past two or three days relative to banking bills, it would have been almost unnecessary to enter into details on this subject at all. This is probably the smallest bank in existence in the country. It was incorporated twenty years ago by the local legislature of Prince Edward Island, and that term has now nearly expired. It was inaugurated under very peculiar circumstances in a district principally inhabited by French peasants; men not occupying a very wealthy position in life, and who frequently found themselves towards spring under the necessity of purchasing seed grain, which they were obliged to effect upon credit, and were often compelled to pay higher prices for the articles they required than if they have been able to purchase them for cash. A benevolent priest who happened to be officiating in that district considered that the establishment of a joint-stock bank upon a small scale would to a great extent remedy these evils, and remove the want and poverty which burdened the district. He therefore went to the local Parliament for power to inaugurate a joint-stock bank in the district to be called the "Farmers' Bank of Rustico," with a capital so small that hon. gentlemen may perhaps be inclined to smile at the idea. The original capital was £1,200 currency of Prince Edward Island, £800 sterling, or less than $4,000 of our currency. The bank was incorporated by an Act of the local legislature, which contained provisions for the increase of the capital if it were found necessary, but the outside limit was to be $21,000, and it has never exceeded that. Application was made to Parliament last year for a renewal of this Act of Incorporation, but under the circumstances it was allowed to stand over until this session, and unless now renewed it will expire in the course of this year. It seems that a great deal of caution has been taken to bring the Act now before us within the currency of the period for which it is sought to extend it—that is to say, for nine years—and to bring it as nearly as possible within the terms of acts of incorporation of Banks at present in existence in Canada. The first clause renews the charter for nine years, and makes it terminate on the 1st July, 1891, and thence until the end of the next session of Parliament so as to give an opportunity to Parliament to take action before the actual expiry of the charter. The second clause requires that the returns which have heretofore been made to the local legislature shall henceforth be made to the Minister of Finance. These are the rules which are usual with banks in Canada, but which banks incorporated under the local legislatures have not heretofore been obliged to furnish. The third clause is the principal one in the Bill, and it is as follows:

"3. The total amount of the notes of the said Bank outstanding and in circulation on the first day of July, one thousand eight hundred and eighty-three, shall be ascertained and established by the Bank, and thereafter no larger issue shall be made; but in each subsequent year there shall be withdrawn from circulation, paid and retired notes of the said Bank to an amount equal to twelve and one-half per cent. of the difference between the paid up capital of the Bank as established on the first day of July one thousand eight hundred and eighty-three, and the amount of notes in circulation on the same date, so that the whole amount of the notes issued by the said Bank shall be reduced on or before the first day of July, one thousand eight hundred and ninety-one, to an amount not exceeding the paid up capital of the Bank as established on the first day of July, one thousand eight hundred and eighty-three."

Hon. gentlemen will observe that there is a provision made in this renewal of the clause to reduce the circulation of this bank in the nine succeeding years by 12½ per cent. per annum, so that the bank will then come again under the cognizance of this Parliament to be dealt with as circumstances may seem to require. Under these circumstances therefore I feel sure that the House will sympathise keenly with the people of that French district, who have so long enjoyed the benefit of this bank, and to whom it has been of such essential service, and will consent to allow this Bill its second reading, that it may be referred to the Committee on Banking and Commerce.

The motion was agreed to, and the Bill read a second time.

HON. MR. HAYTHORNE moved that the Bill be referred to the Standing Committee on Banking and Commerce.

The motion was agreed to.

PROMISSORY NOTES AND BILLS OF EXCHANGE AMENDMENT BILL.

SECOND READING.

HON. MR. BOTSFORD moved the second reading of Bill (78), "An Act to amend the Act passed in the forty-fifth year of the reign of Her present Majesty, intitutled: 'An Act to repeal the duty on promissory notes, drafts and bills of exchange,' and to declare the law relating to stamps on promissory notes and bills of exchange."

He said: This Bill was sent up from the House of Commons to provide for cases which have arisen since the repeal of the stamps duty last year. In fact, it is to provide that in certain cases which have so arisen, the judge may make valid a note or bill of exchange in the same way as it might have been made valid under the provisions of the Act imposing the stamp duty, and the provisions to which it principally refers are these: In the 13th section of that Act (I will just read the marginal note), it is provided that the innocent holder of an unstamped or insufficiently stamped note may make it valid by paying double duty. As to bills found among the effects of deceased persons, there are cases when notes which were not sufficiently stamped, or perhaps might not be stamped at all by the drawer, have been found among the effects of persons who have died; they of course, come into the hands of the administrators or executors, and as the Act of last year has not made any provision for cases of that kind to make the note valid, this Bill provides that the Judge, upon taking the whole circumstances into consideration, may make such notes valid, which otherwise could not be made available, inasmuch as the stamps have been called in by the Government, and perhaps the party could not, under the circumstances which attended the passing of the Act last year, stamp the Bill. There is a suggestion made, it seems that there are cases of attempted fraud with respect to notes of hand especially, which have arisen in Quebec, and I intend to propose in Committee when the Bill is under consideration, an amendment to meet that case, which I believe was suggested by the Minister of Justice, and is in this form:—

"Provided always that the provisions of this Act shall not extend to promissory notes or bills of exchange, which would have been void, or payment of which could not have been enforced had they remained in the hands of the original payees when they arrived at maturity."

This will meet the case which was suggested by gentlemen from Quebec of that attempted fraud which otherwise, if this Bill passed without the amendment, might compel parties to pay notes which in fact were fraudulent.

There is another simple amendment relating to the title of the Act. The title of the original Act included this declaration: "and to declare the law relating to stamps on promissory notes and bills of exchange." That is now unnecessary, and the title will be amended in the Committee in accordance therewith, because the sections to which that applied have been amended by the House of Commons. There is a section also which was inserted in the House of Commons which does not appear in the original Act and is to the following effect:

"In any action or suit now pending in which but for this Act the defendant could have succeeded, the defendant shall, nevertheless, be entitled to the costs of the same on any plea in which the validity of the bill or promissory note has been questioned by reason of such bill or promissory note not having been properly stamped under the Act in the next preceding section cited."

Under these circumstances I beg to move that the Bill be now read a second time.

HON. MR. KAULBACH—Do I understand that all these amendments are included in the Bill now before us?

HON. SIR ALEX. CAMPBELL.—No, they will be proposed in committee.

HON. MR. KAULBACH—It is quite

evident that some change in the law should be made. I know from my own experience that a note may appear upon its face to be all right, and yet evidence may be introduced at the time of the trial to show that the note was not stamped at the time it was given, but at some subsequent time, and I found it difficult in such cases to have the stamps at hand to place upon it. I do not understand the amendments that are being made, but it is very necessary that such a Bill should be introduced. Of course I presume it must be shown that the party as soon as he is aware of the fact that the note is not properly stamped, has taken the proper course to have it stamped.

HON. MR. MILLER.—The object of this Bill, I think, is very simple. As the House is aware, we have had several Stamp Acts under which penalties were enforced, and which resulted in very severe losses. By the Act 42 Vict. we had the whole question considered and previous laws repealed, and in the 13th Section of that chapter of our Statutes the power of double stamping was given. In the Act of last Session the Stamp Duties are abolished, and the Act 42 Vict. is repealed, excepting rights which have accrued under it while it was in operation. The Act abolishing the Stamp Duties made provision for calling in all stamps, and while thereafter a party, if he had the stamps, might double stamp, as he might before the repeal of the Act of last Session, there are no stamps to be had. That is the trouble which this Bill is intended to meet, and this Act steps in and says that in any case where a party could, prior to the Act of 1882, double stamp, that then he shall not be obliged to do it, if it is one of those cases in which he could have double stamped before the repeal of the Stamp Act. I am told some other difficulty has grown up which may work injustice, as foreshadowed by the hon. gentleman who has charge of this Bill; that difficulty has been under my own consideration, and I think it is one that will not be very easily met. However, it will be a fit subject for the consideration of the committee, and as I am a member of that committee, I shall reserve anything I have to say until the matter comes before it.

HON. MR. BOTSFORD—I propose to refer it to committee of the whole.

HON. MR. MILLER—That of course is optional; the hon. gentleman can refer it to the Committee on Banking first, and then bring it back to the Committee of the whole; in either case we can consider it fully.

HON. MR. TRUDEL—This Bill, as it is now, would open the door to very serious injustice, if it is not amended in some way. I think the amendment suggested by the hon. mover of the Bill will in a great measure meet the case, and for this reason I shall not oppose the Bill; otherwise I should be forced to do so.

HON. MR. BELLEROSE—I believe this is not a sound measure, because it is nothing less than passing retrospective legislation; it is in fact legalizing that which is now illegal. I may say that, besides some cases which are provided for by the amendment, and which the hon. mover of the Bill has put before the Senate, I know of many other cases which will not be reached by the amendment, and I even know of cases which I believe would not be reached at all, except the Bill were rejected. I know of some 30 or 40 instances where strangers to the Dominion have come into the Province of Quebec to buy grain, and have given what they call an arrangement for so many bushels; that arrangement is a document signed by both parties; part of it would be detached and the remainder of the document would be nothing else but a promissory note. In some of those cases you legalize such promissory notes, that are illegal now because the double stamp has not been put to them, and then you will remove from the parties who are now suffering as I have described—you will force them to pay money which they do not owe.

HON. MR. TRUDEL—I think the amendment would cover those cases.

HON. MR. BELLEROSE—If that is so I am very happy to hear it. At all events I thought I might give this as an illustration of the dangerous character of this legislation, because if we have discovered some cases now, there must be many others

of which we do not know, because people cannot be here to-day from all parts of the Dominion to tell us of their cases which may be brought before the courts at a future day; this shows what great difficulty there is in legislating in that direction. I believe it is only right that members should rise and mention these difficulties so that proper precautions may be taken when the Bill goes before the committee to provide for such cases.

HON. MR. KAULBACH—The hon. gentleman says this Bill will be legalizing what is not now legal; I would remind him that the act of last year did the same thing. It legalized contracts which would not have been legal except for the passing of that Act.

HON. MR. BELLEROSE—I am not speaking of a contract, I am speaking of a promissory note. I only state that a paper which was originally in such a form that it was really a contract, but when part of it was taken off the remainder of that printed paper was nothing else but a promissory note, and it fell under the law which was in existence some years ago, in relation to promissory note; and by putting a double stamp on it it has all the legal force of a promissory note.

The motion was agreed to, and the Bill read the second time.

ONTARIO PACIFIC RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. POWER moved the second reading of Bill (65), "An Act to amend the Act to incorporate the Ontario Pacific Railway Company."

He said: This is a Bill which proposes to confer some additional powers on the Ontario Pacific Railway Company, or rather to substitute other powers for those which they now possess under their Act of Incorporation. The first section provides that in addition to building a road to the French River, they shall be allowed to build to the Sault Ste. Marie, and to construct a branch to the navigable waters of Lake Superior. The Bill also enables them to build a spur or branch line from the town of Cornwall to a point at or near the town of Perth or the town of Smith's Falls; also a branch line from the town of Perth, or the town of Smith's Falls to the town of Almonte by way of Carleton Place; and also a branch line from some point on the main line of the railway, between the villages of Renfrew and Eganville, to the town of Pembroke. These are the principal provisions in the Bill, but it is also enacted that they shall be allowed to own and navigate scows on the St. Lawrence and St. Mary's River; they would require, I presume, to be able to do that previous to the construction of the bridge which the Company are authorized by their charter to build. I beg to move the second reading of the Bill.

The motion was agreed to and the Bill was read the second time.

ACADIA POWDER CO.'S BILL.

SECOND READING.

HON. MR. MILLER moved the second reading of Bill (40) "An Act to grant certain powers to the Acadia Powder Co." He said: I am not in charge of this Bill, and merely moved the second reading of it for to-day, when it came up from the other House, because the gentleman in charge of it was not present. That hon. gentleman is not present now, and I suppose there can be no objection to my moving the second reading of the Bill. I never saw it until this moment, but it does not require very much explanation. I have heard sufficient about it to enable me to state to the House, briefly, the object of the measure. The Company mentioned in the Bill has been incorporated under a local charter granted by the Province of Nova Scotia and it came up here for an act of incorporation from this Parliament. They asked us for a confirmation of the powers which they held under their local charter, and in addition they sought from this Parliament powers which the local Legislature could not give. Some objection was taken, in the House of Commons, to that course, but after a discussion in which some of the leading men of that House participated it was agreed to refer the Bill to a committee, and after it came up for the third reading, to refer it to a committee for the purpose of reconsidering it, and that committee struck out all the powers it possessed under its local charter, and

merely let stand in this Bill clauses which it had a right to ask for from this Parliament. It gives power to establish its head office in any part of Canada, and makes any of its offices in Canada, wherever situated, a domicile. These are powers which could not be granted in a local charter. I beg to move the second reading of the Bill.

HON. SIR ALEX. CAMPBELL—My attention has been drawn to the clause of the Bill which says that every office of the Company in Canada may be the domicile of the Company, and that suggests to me that it is a matter which falls within the jurisdiction of the local legislatures. If a suit is to be brought against the Company it must be brought under the laws of the Province, and it is for the Legislature of that Province to say what is the domicile.

HON. MR. MILLER—The local legislature can make a domicile for its own province, but there is nothing to prevent us from declaring that an incorporated company can have a domicile in the various provinces of the Dominion, and it is a convenience to the public that it should be so.

HON. MR. TRUDEL—I do not intend to renew the discussion we had yesterday on a similar bill, but I believe this Bil is open to the same objections.

The motion was agreed to on a division and the Bill was read the second time

CRIMINAL LAW AMENDMENT BILL.

SECOND READING.

HON. MR. SCOTT moved the second reading of Bill (7) "An Act to amend the Criminal Law, and to extend the provisions of the Act respecting offences against the person." He said: This Bill proposes to enlarge our criminal code in a direction where no provision has in the past existed. The reason that this offence has not been taken cognizance of by the common law of England has been, that it came within the jurisdiction of the ecclesiastical courts, and we know that those courts at one time exercised a very wide jurisdiction. In Scotland it has been a crime punishable by transportation. In the various States of the American Union it is also a crime punishable by imprisonment in the penitentiary, varying from two to ten years. This Bill deals with that class of cases which relates to sexual intercourse of parent with child, brother with sister, and grandparent with grandchild. I think it requires no very strong argument to prove the wisdom and propriety of adding this to our criminal code. It is a crime, above all others, most repugnant and most repulsive to our human nature, and it is contrary to every principle of law human and Divine. Some hon. gentlemen think it is a crime of such rare occurrence that we ought not to touch it, that in stirring up crimes of that horrible character, we are rather injuring the moral tone of society than benefiting it by calling attention to the existence of those offences. I do not feel that that view is a correct or a sound one, because if that argument is a good one it would apply with equal force to other crimes which are necessarily subjects of enquiry before the Court of Justice—I allude to the crimes of rape and bestiality, and various other offences that are constantly cropping up in the courts of the country. One is naturally prompted to give one's own experience respecting crimes of this kind, and I may say that six months ago it became my duty to indict a father for rape on his own child. After a very exhaustive enquiry he was acquitted on the ground that it was not shown that the daughter had made sufficient resistance, or that by crying out, or by appealing for help, she might not have been able to obtain assistance, and in that way have drawn attention to the improper act of her father. On that slender excuse that man was allowed to walk out of the dock as if he were an innocent member of society. He had to be acquitted by the jury, simply because he had committed no crime of which the law of the country takes cognizance. I certainly felt when I saw that man walk out of the dock that our criminal code was defective, and I was glad that this Bill was introduced in the other Chamber at so early a period subsequent to my last experience on that subject. The Bill met with a pretty large support in the other Chamber, and I notice that it was approved of by the First Minister. I assume, so

far as the principle of the Bill is concerned, it will meet with the approval of the members of this Chamber. There may be some difference of opinion as to details, and particularly to this one that has reference to the trials being in private, that not being considered in accordance with the British system, and a considerable number, although a minority of the other Chamber, expressed the opinion that it was a divergence from the principles usually applicable to the administration of criminal justice. However, the majority of the other Chamber were of the opinion that the clause was a proper one. I express no opinion at present, though I am rather inclined to the opinion that the clause should be preserved.

HON. MR. KAULBACH—It is almost repulsive to our feelings to discuss a Bill of this kind, or to confess that such a crime exists in the country. I have knowledge of a case similar to that mentioned by my hon. friend. I would ask if the punishment of this crime is not left too largely to the discretion of the Court?

HON. SIR ALEX. CAMPBELL—I have a word or two to say on this Bill, and I shall take the opportunity of doing so when it is in Committee.

The motion was agreed to, and the Bill was read the second time.

FRAUD IN CONTRACTS PREVENTION BILL.

SECOND READING.

HON. MR. SCOTT moved the second reading of Bill (5), "An Act for the better prevention of fraud in relation to contracts involving the expenditure of public moneys." He said: At this late hour I will simply ask the House to allow the Bill to be read the second time, it being open to hon. gentleman to take exception to it in going into Committee. I do not think there is any exception to the principle of the measure.

HON. SIR ALEX. CAMPBELL—I have some objections to the details, but I will mention them in Committee.

The motion was agreed to and the Bill was read the second time.

BILLS INTRODUCED.

The following Bills from the Commons were introduced and read the first time:—

Bill (70), "An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway Company." (Laid on the table.)

Bill (72), "An Act to incorporate the Qu'Appelle and Long Lake and Saskatchewan Railway and Steamboat Company." (Mr. Vidal.)

Bill (71), "An Act to incorporate the Cumberland Coal and Railway Company." (Mr. Macfarlane.)

The Senate adjourned at 6 p. m.

THE SENATE.

Ottawa, Thursday, April 19, 1883.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

BRANT COUNTY BANK BILL.

THIRD READING.

HON. MR. ALLAN from the Committee on Banking and Commerce reported Bill (52), "An Act to incorporate the Brant County Bank of Canada," without amendment.

HON. MR. MACFARLANE moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

RAPID TELEGRAPH COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. VIDAL from the Committee on Railways, Telegraphs and Harbors, reported Bill (I), "An Act to incorporate the Canadian Rapid Telegraph Company (limited)," with several amendments.

He said the amendments were so many that they constituted almost a new Bill, and as it would be impossible for

hon. gentlemen to follow them while they were being read by the clerk, he would suggest that the consideration of the report be deferred until the Bill was printed.

HON. MR. CARVELL moved that the report of the Committee be taken into consideration to-morrow.

HON. MR. DICKEY said he hoped that the House would be given time to consider the amendments before they were adopted.

HON. MR. POWER thought that the Bill as first introduced was very imperfect. The changes made in it consisted chiefly in assimilating it to bills of a like character. It was altogether different from a case where the Committee had inserted any new or unusual clause in a bill. As the measure had to go to the other House and pass through all the stages there, it was quite clear that any delay in dealing with it in the House was likely to imperil its passage.

HON. MR. PLUMB said that when the Committee had been compelled at such great trouble to themselves to re-model the Bill, the House should at least have the privilege of considering the effect of the amendments.

HON. MR. CARVELL explained that his only reason for asking the amendments to be taken into consideration to-morrow was because of the short time at their disposal to have the Bill fully considered in the other House. Most of the amendments were in the direction of protection to the public, and they were exact copies of clauses inserted in other large telegraph bills. He moved that the amendments be taken into consideration on Monday next.

The motion was agreed to.

GREAT WESTERN AND LAKE ONTARIO SHORE JUNCTION RAILWAY COMPANY'S BILL.

RESTORED TO THE ORDER PAPER.

HON. MR. MACMASTER moved that Bill (70), "An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway," laid on the table yesterday, be restored to the order paper, and that it be read the second time to-morrow.

The motion was agreed to.

PROMISSORY NOTES AND BILLS OF EXCHANGE BILL.

REPORTED FROM COMMITTEE OF THE WHOLE.

The House went into Committee of the whole on Bill (78), "An Act to amend the Act passed in the forty-fifth year of the reign of Her present Majesty, intituled: An Act to repeal the duty on promissory notes, drafts and bills of exchange, and to declare the law relating to stamps on promissory notes and bills of exchange."

HON. MR. VIDAL from the Committee, reported the Bill with certain amendments, which were concurred in.

The Bill was ordered for a third reading to-morrow.

ROYAL CANADIAN PASSENGER STEAMSHIP COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (55), "An Act to Incorporate the Royal Canadian Passenger Steamship Company."

He said: This is an Act which has passed the other House, and is for the purpose of Incorporating the Royal Canadian Passenger Steamship Company. The capital stock is to be $1,000,000, divided into 10,000 shares of $100 each. I have looked over the Bill, and I think it is generally of the same character as other bills of this nature which have been brought before Parliament. It is undoubtedly the desire of both branches of the legislature to afford every facility for the extension of commerce, and for the incorporation of companies of this kind, if they are properly guarded. As the Bill will go to the Committee to be examined I beg to move that it be now read the second time.

The motion was agreed, to and the Bill was read the second time.

KINGSTON AND PEMBROKE RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (36), "An Act to amend the Act Incorporating the Kingston and Pembroke Railway Company, and the Act amending the same."

He said:—This is a Bill which has been placed in my hands, and has already passed through the other House. It is to amend the Act incorporating the Kingston and Pembroke Railway Company, and in it they ask permission to build a certain small branch line in connection with their road. They also ask permission to increase their capital stock to a sum not exceeding $5,000,000, and to acquire land and water lot property in such municipalities as their main line, or any branch, may pass through. I beg to move the second reading of the Bill.

HON. MR. MACFARLANE—I would draw the attention of my hon. friend to the fact that in this Bill—I have not the original which it is proposed to amend—but in the third clause it is proposed to give this Company power to take and hold land in all the different places wherever they may require them, but there is no limit in the Bill as to the quantity of real estate which they may own. They may take and acquire whatever they may deem proper, without any limit, which is not the usual course in reference to bills of this description.

HON. MR. PLUMB.—In reply to my hon. friend I would say that this clause is quite usual in bills of this kind. They are only permitted to acquire such lands as is necessary for the purpose of erecting and for the maintenance thereon of necessary stations, depots, curves, sidings wharves, and for such other purposes as may be deemed by the Directors necessay or advantageous to the company. It is not likely that this Railway Company is going into the purchase of land for any other purposes than the requirements of its own business. The same objection was suggested to this Bill in the Railway Committee the other day, and it was explained then that such powers must be necessarily exercised by the Directors; it would be impossible to call meetings of the shareholders, and the Directors, having the confidence of the shareholders, would be the proper persons to decide as to what should be necessary for the purposes of the Company. It also may be said that it would be very awkward indeed if the legislature should attempt to define precisely what those powers should be. The acquisition of property by the Kingston and Pembroke Railway Company, is not likely to be carried on to such an alarming extent as to make this company the monopolist of any land through which its roads may run. Usually a railway company has as much as it can do to build and operate its line and I do not think this company is likely to have any large surpluses on hand which would enable it to monopolize land. The Bill will go to the Committee, where gentlemen who are interested in the Company will no doubt be present to answer any questions which may be put to them there.

HON. MR. MACFARLANE.—I quite agree with what my hon. friend says, but still I do not see why some limit should not be placed in this Bill, as is the case with other companies. I believe in giving them ample property and means to carry on all needful operations, but they have power here to absorb property to ten times the quantity that may be required, if they choose to take it. I would draw the attention of the House to it, and I trust that when the Bill goes to the Railway Committee it will be rigidly examined.

HON MR. KAULBACH—They cannot take more land than they require for the purposes of their railway—for the purposes mentioned in the Bill. It is not a monopoly, for they will simply require enough land to carry on their operations, and no more.

HON. MR. PLUMB—My hon. friend will see that the referring of this Bill to the Committee does not at all commit the Senate to the measure. They can alter or amend it in Committee, and then the Senate can agree or not, afterwards, as they like. Perhaps it would be the best way to let this Bill go to the Committee, as has been done with other similar measures.

HON. MR. POWER—The Bill is not open to the objection made by the hon. gentleman from Cumberland (Mr. Macfarlane), because, although the hon. gentleman from Niagara, who has charge of the Bill, had the measure, as originally printed, in his hands, which gave the Company unlimited power to take land, the House of Commons Committee, who are rather more conservative in that way than we are, deprived them of that unlimited power. Now the Company is restricted to the acquiring of such land only as may be necessary for its operations. I think, however, that the hon. gentleman should have given the House some further reasons why this Bill should be read the second time, than he has already offered. This Kingston & Pembroke Railway Company have been before Parliament several times, and they got large bonuses from the different municipalities through which they pass, on condition that they carried the road in a certain direction; but now, after getting these bonuses, so far as one can gather—it may not be so, but I think the hon. gentleman should have made us understand that—now they come in and ask to be allowed to build their road in another direction. They further ask, and I think it is rather an extravagant demand to be made by such a small Company, that they may add another $5,000,000 to their capital. I think, when an hon. gentleman takes charge of a Bill, he should be able to give better reasons for its second reading than we have heard on this occasion.

The motion was agreed to, and the Bill was read the second time.

BILLS INTRODUCED.

The following Bills from the House of Commons were introduced, and read the first time :—

Bill (54) "An Act to Incorporate the Quebec and James' Bay Railway Company." (Mr. Bellerose.)

Bill (79) "An Act to Incorporate the Davis & Lawrence Manufacturing Company." (Mr. Ogilvie).

The Senate adjourned at 4.25 p.m.

THE SENATE.

Ottawa, Friday, April 20, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills were reported from Committee without amendment, and read the third time and passed without debate :

Bill (75) "An Act to Incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada, for Manitoba and the North-West."

Bill (80) "An Act to amend the Act incorporating the Great Eastern Railway Company."

Bill (73) "An Act respecting the Montreal, Ottawa and Great Western Railway Company, and to change the name thereof to the Montreal and Western Railway Company."

Bill (65) "An Act to amend the Act to incorporate the Ontario Pacific Railway Company."

Bill (59) "An Act to amend the Act incorporating the Atlantic and Northwest Railway Company."

PORTAGE, WESTBOURNE AND NORTHWESTERN RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbors reported Bill (58) "An Act to amend the several Acts incorporating the Portage, Westbourne and Northwestern Railway Company, and to change the name thereof to the Manitoba and Northwestern Railway of Canada."

HON. MR. PLUMB moved that the amendment be taken into consideration on Monday next.

The motion was agreed to.

PROMISSORY NOTES AND BILLS OF EXCHANGE BILL.

THIRD READING.

HON. MR. BOTSFORD moved the

third reading of Bill (78) "An Act to amend the Act passed in the forty-fifth year of the reign of Her present Majesty, intituled: 'An Act to repeal the duty on promissory notes, drafts and Bills of exchange,' and to declare the law relating to stamps and promissory notes and bills of exchange."

The motion was agreed to, and the Bill was read the third time and passed.

The Senate adjourned at 3.40 p. m.

THE SENATE.

Ottawa, Monday, April 23rd, 1883.

The SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (36) "An Act to amend the Act incorporating the Kingston and Pembroke Railway, and the Act amending the same," was reported from Committee without amendment, read the third time and passed without debate.

BILL INTRODUCED.

HON. SIR ALEX. CAMPBELL introduced Bill (O), "An Act to amend the Patent Act."

THE GEOLOGICAL SURVEY.

AN EXPLANATION.

HON. SIR ALEX. CAMPBELL—Before the next item is taken into consideration I beg to refer again to the question put to me the other day by my hon. friend from Sydney, with reference to the maps of the Geological Survey of that part of the country from which he comes. On that occasion I said I would inquire further into the matter, and I have done so. I said there was a letter from Professor Selwyn, Director of the Geological Survey, on the subject, which letter I will now read to the House:—

"The map of Cape Breton County has been published and accompanies the reports for 1876-77, and 1877-78. Those of Richmond, Inverness and Victoria Counties (I think it was with reference to those maps that my hon. friend from Sydney enquired) are ready for the engraver. Apart from geology, they are valuable maps (scale one inch to a mile) for all purposes which maps are required, and I think they ought to be engraved on copper plates and thus be permanently available, as no better or more accurate maps will probably be made of Cape Breton during this century. The lithographic work done by the Burland Co., is not satisfactory, and there is no certainty when it will be completed. If the map is engraved as it ought to be it must be done either in the United States or in England. Next year,—i. e., after the 1st of July, the necessary funds will be available. If put in hand at once, a good many months would be required before it could be ready to print. I should like to have it ready to accompany Mr. Fletcher's final report on the geology of Cape Breton now being prepared. The MS of the map can be inspected at the office by any one who wishes to do so."

I am in hopes that this information will, at all events, satisfy my hon. friend that the Department is endeavoring to get these maps published at as early a date as it is reasonable to expect, and that they will endeavor to get it done in as satisfactory a manner as possible. I think it will be a satisfaction to my hon. friend to know that a certain degree of progress is being made.

HON. MR. BOURINOT—I am indebted to the courtesy of my hon. friend the leader of the Government for the perusal of Professor Selwyn's letter which he has just communicated to the House, and am much gratified to find that it corroborates the statements made by me last year as well as those made a few days ago, proving that they were not exaggerated or misrepresented. It is therefore satisfactory to learn from this letter that these maps are ready for the engraver. No time should now be lost in publishing them, because they are required not only for the geological information which they contain, but also for other purposes. But I fear there seems to be a possibility of still further delay in the plan suggested, of

sending the maps to England or the United States to be engraved, apart from the humiliating admission made by the Director of the Survey that they cannot be engraved in Canada. If it is true, as stated by Professor Selwyn, that the work by the Burland Company is not satisfactory, there are other companies in the Dominion who have always take a foremost rank in this class of work. I understand that the Desbarats Co. of Montreal, and others, are prepared to undertake such work, and to complete it as well and as rapidly as any English or American firm. Maps lithographed here, for the Dominion Lands and Geological Surveys (and among these several sheets of Cape Breton county) appeared to be sufficiently well done. Granting that the maps engraved on metal would be somewhat more beautiful, and the plates "permanently available" yet this would scarcely, I think, justify taking the work from Canadian engravers. If this were done in every case it would soon be impossible for these establishments to pay good and skillful artists, whereas they should be encouraged in accordance with the National Policy. The delay in sending proofs across the Atlantic would be considerable, while, if done nearer home, corrections and additions could be more easily and speedily made. And if the stones could not be preserved like plates, the printing of a few additional copies would, no doubt, suffice to meet any demand for the maps that is likely to arise for some years; or, if not private enterprise will soon supply the want. Nor will it be claimed that the maps are perfect, and that no change will be made in them during the century, the methods by which they have been made, and the backwardness of the country precluding this. New and more accurate surveys will be made as the country grows, so that although there are now no maps of the three countries of Inverness, Richmond and Victoria, Cape Breton, many years will not elapse before county and other maps will be made showing railroads and other features not yet represented.

ST. JOHN RIVER IMPROVEMENTS.

MOTION.

HON. MR. GLASIER moved that an humble address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all reports, letters and correspondence, during the present year, between the department of Public Works and Mr. J. A. Lyon, or any other person, in reference to the removal of snags, or other obstructions, in the St. John River, New Brunswick.

He said: My object in moving this address is that Mr. G. D. Glazier had a contract for removing those obstructions, and he is charged by this man Lyon with not doing the work, and a letter was written to the Department to that effect. I ask the Department, through the House, for a copy of that letter as Mr. Glazier wants to vindicate himself to the Department, and if it is not obtained he must adopt some other course. I have been told by the Public Works Department that I can get the correspondence by moving for it in this way, and that is my object in moving the address.

HON. SIR ALEX. CAMPBELL.—I am informed by the Department of Public Works that in order to give an accurate idea of the nature of the correspondence that has taken place, the answer to the address should not be confined to the single letter that is asked for, but should include all the correspondence that has taken place on the subject since 1878.

HON. MR GLASIER—All that is required is the letter in which those charges are made.

HON. SIR ALEX. CAMPBELL—That will not give an accurate idea of the case without the rest of the correspondence.

HON. MR. GLASIER—Very well, I am satisfied to have the rest of the correspondence included.

The motion was agreed to.

RAPID TELEGRAPH COMPANY'S BILL.

REPORT OF THE COMMITTEE CONSIDERED.

HON. MR. CARVELL moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbors to Bill (I) "An Act

to incorporate the Canadian Rapid Telegraph Company (limited)."

HON. MR. DICKEY—It was at my instance that the delay in considering this report took place until to-day, and I will say to my hon. friend that it was from no want of courtesy to him that I asked for the postponment. I simply desired that the House should have time to consider this question. I am glad that the House has had an opportunity of examining the amendments and comparing them with the Bill as it was originally introduced. My fear on that occasion, when my hon. friend pressed so strongly that the amendments should be taken up the following day, was that he intended this Bill to be in truth, and in fact, a "rapid" Telegraph Bill, and therefore I objected to its being disposed of so summarily. There is a good deal for the House to consider before adopting these amendments, and without any desire to obstruct the Bill, but merely in the interest of sound legislation, I will point out what is the origin of this measure. It was a petition asking to be allowed to introduce a new and improved system of electrical communication between the Provinces of Prince Edward Island, Nova Scotia and New Brunswick. Upon the petition coming before the committee on Standing Orders in both Houses, it was found that no notice whatever had been given in the ordinary way, in accordance with the standing orders. In order that the House may understand exactly how this petition passed the other House, I have furnished myself with a copy of the minutes of the committee on Standing Orders, giving the grounds on which the standing orders were dispensed with in this instance. Mr. Davies, M.P., a gentleman whose name is in this Bill, and who was the promoter of it in the other House, stated for the applicants that the invention had been patented too recently to admit of the required notices being given; that it would be a great benefit to Prince Edward Island, and the other Maritime Provinces, and that it would not interfere with existing rights. Thereupon it was resolved that the committee should dispense with the rule. I mention that for two purposes; first to show why the rule was dispensed with, and, second, to show that it was never intended that this Bill should be more than was asked for in the petition by the promoters. If the House will compare the Bill which is now before us with the amendments reported by the Railway Committee, they will see that the Bill, as proposed to be amended, is very greatly changed, and is to all intents and purposes a new measure. Under these circumstances, the House will be careful before proceeding further in this matter, and I invite particularly the attention of the Minister of Justice, as having equally with all of us an interest in keeping the legislation of this House congruous and correct, to this measure. The preamble in the amended Bill states:

> "Whereas recent discoveries in electrical science have effected great improvements in the means, speed and accuracy of transmitting signals by electricity, and whereas the persons hereinafter mentioned and others have, by their petition, prayed to be incorporated for the purpose of utilizing such discoveries in the improvement of electrical communication between the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, and wheras it is expedient to grant the prayer of their petition."

That is all that the petition asks, and that is all that the Bill asked in the first instance. The Bill as reported to the House, with these amendments which we are now asked to concur in, is composed of 16 sections, 10 of which are entirely new, and besides these 10 new sections introducing provisions which were not asked for by the petition or by the Bill originally, there are four or five amendments to clauses which were in the original Bill. The first thing which strikes one in this preamble is that it is amended, and amended beyond the scope of the petition altogether. Instead of being a Bill merely to enable these gentleman to introduce a new and improved mode of electrical communication, it is a Bill to enable them to erect telegraph lines in any part of Canada. The next amendment is declaring the objects of the Bill, which are, in the first place, to establish by any electrical means whatsoever a system of telegraphic and telephonic communication between any places in Canada—that is, not by this new and improved system merely, but by any electrical system between any places in the Dominion. It is a sort of roving commission to build telegraph lines anywhere, a policy which may or may not be good, but which was not asked for in the peti-

tion. Then they ask to be empowered to connect their system with any similar system established in any other Province of the Dominion of Canada. Under that clause, for the first time I apprehend in our legislation, power is asked to connect with other lines, not by agreement with the owners of such lines, but absolutely without agreement. They also ask power to construct, purchase, lease, work and agree for the use of any land line of telegraph or telephone in Canada. There have been a good many fights in this House, and in the Committee, on this very question, with a view of preventing monopoly and preventing companies which propose to give cheap telegraphy from amalgamating with other corporations, but this Bill not only gives this power without any qualification, but also power to build any other lines with or without consent. The next amendment is as to the place of the head office which was to have been at Charlottetown, P. E. I. Now they have introduced an amendment asking power to establish their head office at Moncton to which there can be no objection, but they add "unless some other place shall be fixed by by-law." So they have unlimited power to fix their head quarters in any place in the Dominion, they choose. I shall not go through the other clauses but I may state generally that they are to give the company power to establish stations throughout the Dominion. Clause (10) is a new one, and is as follows :—

"10. The Directors of the Company may from time to time fix and regulate the charges to be made by the Company for the sending and delivery of messages over its lines or cables, but such charges, shall be subject to the approval of the the Governor-General in Council, and he may, whenever he deems fit, cause the same to be altered."

That is all right ; I do not object to that, but the promoters of this Bill, not satisfied with all the powers they have taken, have effectually destroyed the protection to the public in that clause by adding the following proviso :

"(1.) Provided, however, that the rate charged for the transmission of a message of ten body words over the land lines of the Company in *Canada*, or any part thereof, shall not be more than twenty-five cents, and that the charge for each body word beyond ten in such message shall not be more than one cent ; and provided also that the additional rate charged for the transmission of messages by sub-marine cable or otherwise howsoever across any strait or arm of the sea, shall not exceed that hereby authorized for the transmission of messages over the Company's land lines," that is to say, the price shall be 25 cents, and 25 cents or 50 cents for a message.

An hon. Member—That is a reduction.

Hon. Mr. DICKEY.—It is now 75 cents, it is true, but it will be 75 cents hereafter, because it is 50 cents for a message over their lines and there is no restriction as to the amount they can charge,—say from this place. The rate is now 75 cents. It cannot be less under this clause, because it is now 25 cents from here to Sackville. Under these circumstances I think the House will see that this Bill has a very extensive scope, and a much wider significance than was intended when it was first proposed for our consideration. The first point that I wish to make is, that it is proposed by these amendments to enlarge the scope of the petition, and to give it a wider application than the promoters requested in the first place. If such a course can be taken the House will readily see that all that is necessary to evade our rules, and the protection given to the public and to persons who have existing rights, is to introduce an innocent bill, to which no person can object, and persuade the Committee on Standing Orders to dispense with the usual notices and, having taken that step to go before the House and ask for increased powers which were never referred to in the petition. Now, I protest against that as a dangerous principle of legislation, and it is well worthy the consideration of this House, whether we should endorse it by sanctioning these sweeping changes in the Bill. But when we come to look at the Bill itself, we find, in addition to those objections to which I have already adverted, that we have not even the small advantage of obtaining a system of cheap telegraphy in this country. Under these circumstances I think the Bill should receive very careful consideration, and I

appeal especially to the Minister of Justice to examine it with a view to the protection of existing rights. On that point I shall say nothing further. I have nothing to do with the Bill, but I do say that in order to make our legislation consistent we should scrutinize these amendments carefully, and it is within the regular province of the Minister of Justice to see that this Bill does not run counter to existing legislation.

There is a clause which professes to protect existing rights, but it is a very bald one, and I do not think the House will consider it sufficient. However, I will leave that entirely to the consideration of the Minister of Justice. Upon the other point, with regard to the course which this legislation has taken, when we see that the general public, as well as the persons particularly interested in this matter, have not had any means or opportunity of ascertaining how their rights were affected by the Bill, and when we consider that this rule has been dispensed with in Committee of the House of Commons, as I apprehend it was dispensed with by the committee on standing orders here upon the grounds stated by Mr. Davies, the promoter of the Bill in the other House, that it was merely for the purpose of utilising a new invention, I think that these alterations should be considered with more than usual care. I regret that I am obliged to call the attention of the House to this matter. I have no interest in the Bill in any way. My feelings would be rather to give my hon. friend all the assistance he could possibly expect in carrying out this enterprise: at the same time there is a higher principle which should govern us all here, and that is to see that no injustice is done by our legislation. Under these circumstances I do not think it necessary to make any apology to the House for having called their attention to a case which, so far as my legislative experience goes, is unprecedented in the history of legislation in this country.

HON. SIR ALEX CAMPBELL—I would ask the hon. member from Prince Edward Island, who has charge of this Bill, to be kind enough to postpone the further consideration of it until Wednesday next. I understand that the Bill has been amended since it was re-printed, and that we have not the whole of it before the House in the shape of a Bill, but that we are obliged to read it in connection with the amendments which appear in our minutes. As I have had no opportunity of reading the measure as a whole, or of considering the Bill as printed, before it was submitted to the Committee, with the report of the Committee, I am inclined to think after the remarks from the hon. member from Amherst, that it would be more satisfactory to postpone the discussion until, say Wednesday next, and have the Bill re-printed in the shape in which the House will be asked to consider it.

HON. MR. CARVELL—When this question was before the Senate in the shape of a report from the Committee on railways, telegraphs and harbors it was understood that the Bill, as submitted to the Committee, would be distributed. As the request has come from the Minister of Justice I must acquiesce. The only hesitation I have on that score is that it may not be possible to pass the Bill this session, if it is not sent down to the other House without further delay. In that Chamber there is now but one day in the week set aside for considering private Bills; that is the only difficulty which occurs to me now.

There is some difficulty in hearing the remarks of the hon. members at the other end of the room, and I suppose they have a similar difficulty in hearing what we say; to that fact alone can I attribute the misrepresentation of my remarks which has been made by the hon. member from Amherst in stating that I pressed the immediate consideration of the amendment when the report of the Committee was before the House. I did not do so. I stated then, as I state now, that if the Bill was unnecessarily delayed, there would not be time to get it through the House of Commons; but I cheerfuly acquiesced in the suggestion of the hon. member from Amherst to postpone it until to-day, so that he is not justified in saying that I strongly opposed any delay upon that occasion. If the Bill is allowed to stand over I am afraid that it will not be passed this session.

HON. MR. MILLER.—I do not think there is any occasion for the fear expressed by my hon. friend from Prince Edward Island, that this measure will be delayed by being allowed to stand over for two or

three days. We all know that in the other branch of Parliament there is only one day in the week for private legislation, and whether this Bill goes through to-day or on Wednesday, it cannot be taken into consideration in the Lower House until Monday next, so that the Bill cannot be delayed by the postponement. I have, however, another objection to the course suggested by the Minister of Justice. What is the position of this subject before the House? The Bill has been reported from the committee on railways, telegraphs and harbors, with a large number of amendments. It has not been the practice of the Senate to incorporate the amendments in a printed copy of the Bill until after they have been adopted. It may happen that none of them will be adopted, and it would be introducing, I think, a very undesirable precedent, and one which would give much useless trouble, to insist upon the printing of a Bill in a shape in which it may not pass the House. Our practice has been to adopt the amendments first, and I do not see why that course should not be taken now. The Bill could then be printed with the amendments, and then the discussion, if any should arise, might take place on the third reading, when it will be quite competent for any hon. member either to move that the Bill be referred back to the Committee for the purpose of amending it, or to move amendments either striking out or adding clauses. I think, with all deference to the hon. Minister of Justice, that the course he has recommended is one which is not in accordance with the practice of the House, and one which I should not like to see made a precedent, because it might occasion very great inconvenience.

HON. SIR ALEX. CAMPBELL—I do not think my hon. friend is right in supposing that the course which I have suggested is exceptional, because the Bill has already been reprinted, and that gives the House the idea that the Bill is now before us as it was reported from the Committee, but the truth is, it has again been altered. It is usual, when a Bill is reported with a number of amendments of a complicated character, to reprint the Bill with the amendments before considering the report of the Committee. It seems to me a very convenient way, because every member has in his hand the whole Bill as it comes from the Committee. As it is, we have only a fraction of it. I think it would be found convenient to have the Bill reprinted, as I have suggested.

HON. MR. MILLER—The Bill has been reprinted as amended, and we have the amendments proposed by the committee printed on our minutes. It requires no very great intelligence, or skill in the investigation of a matter of this kind, for any member of the House to take up the Bill as it was sent to the Committee and ascertain the effect of the proposed amendments. I do not make any strong objection to the course recommended by the hon. Minister of Justice, but I do think it is certainly anomolous, and as far as my memory extends, unusual to print amendments in a Bill before they have been adopted in the House.

HON. SIR ALEX. CAMPBELL—I do not think it is unusual. We have two copies of the Bill already, and we have not yet got it as reported from the Committee.

HON. MR. CARVELL—The copy of the Bill in the hands of the Minister of Justice contains all the amendments except some minor changes.

HON. MR. VIDAL—I think that the course which has been recommended by the Minister of Justice is certainly the most convenient. It is assuredly the ordinary custom when the amendments are concurred in by the House to move the third reading of the Bill, because it is taken for granted that the House has adopted the amendments. If a motion is made to adopt them now, it would have to be guarded, as suggested by the hon. member from Richmond, with a reservation that notwithstanding the adoption of the amendments members would have the right to move that the Bill be referred back to the Committee to be further amended. I did not rise, however, to speak on that point, but rather to remove an erroneous impression which may have been made on the mind of the House by the remarks of the hon. member from Amherst. The hon. gentleman would

lead the House to believe that the Committee had added very largely to the Bill in the interest of the promoters, and had given a great deal more than was asked for by the petition. I feel it my duty, as acting chairman, speaking on behalf of my colleagues, to remove that impression. The Bill, as it came before the committee, contained every privilege that was sought to be gained by the promoters, and the additions made to that Bill are all in the public interest, with a view to guarding against any injury being done by the corporation seeking to obtain these privileges from Parliament. If hon. gentlemen will look carefully into these amendments they will see that the committee have merely introduced the clauses which are found in ordinary telegraph bills to protect the public. They are restrictions with a view to guarding the public interests.

HON. MR. HOWLAN—My hon. friend is entirely mistaken. The Bill as originally printed refers only to the Maritime Provinces. The second Bill, as printed refers to all Canada; authorising the company to erect lines of telegraph in any part of the Dominion. The powers have been extended. But the point made by the hon. member from Amherst, I understand to be this: in the petition it was particularly stated that they only wished to be incorporated for a certain distinct purpose, to inaugurate this recent discovery in electricity.

HON. MR. POWER—The hon. Minister of Justice suggested that further discussion should be postponed until Wednesday next, and I gather from the line of discussion taken by the hon. gentleman from Prince Edward Island now, that he is really discussing the principle of the Bill.

HON. MR. HOWLAN—The motion to postpone is under consideration.

HON. MR. POWER—Then a discussion on the merits of the Bill is not in order.

HON. MR. HOWLAN.—I may say more: I think I am not in the habit of getting up in this House and making speeches, like my hon. friend, who speaks on every question that comes before this body. I do not speak often, and I therefore think I have a right to express my views upon this Bill, with all due deference to the superior knowledge of the senior member from Halifax. I said in the first place that the impression upon the mind of the hon. gentleman from Sarnia who had just sat down, was this—that the Bill had not been altered, and his impression also was that this Bill was asking for no more than was asked by the promoters in their petition to the Standing Orders Committee. I desire to remove that impression, by referring him to the petition of the promoters of this measure, in which they ask for powers for a very definite and entirely distinct purpose from what is in this Bill, as fully set forth in the preamble. The preamble reads as follows:—

> Whereas recent discoveries in electrical science have effected great improvement in the means, speed and accuracy of transmitting signals by electricity, and whereas the persons hereinafter mentioned and others have, by their petition, prayed to be incorporated for the purpose of utilizing such discoveries in the improvement of electrical communication between the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, and whereas it is expedient to grant the prayer of their petition:—

It is quite evident from this what the promoters asked for, and I trust the hon. gentleman from Sarnia will see the force of my explanation.

HON. MR. HAYTHORNE—I think the course advised by the Hon. Minister of Justice is a very proper one to adopt, under the circumstances, considering that the Bill was originally introduced under very unusual conditions, and that it has since undergone discussions which have led to great changes. Those facts alone I think would be sufficient to justify the House in demanding that the Bill, as it left the Committee, should be placed in print upon every gentleman's desk, before we proceed to its consideration. On that ground I shall vote for the suggestion of the Minister of Justice.

HON. MR. CARVELL—I do not rise for the purpose of prolonging the discussion, but think it well that the House should understand how they will have the amendments presented; whether they will be as part of the Bill now proposed, or whether

in accordance with the suggestion which has been made, I think, by the hon. gentleman from Amherst, they should come up separately. I do not wish to go into the merits of the question, but perhaps it would only be just to the promoters of this Bill if it were stated frankly that, since this project was started, it has been enlarged, and as hon. gentlemen will see at once it was necessary to enlarge. In endeavoring to utilize, not only the particular discovery—important and recent as it is—but also other discoveries, inventions and appliances which are cheapening daily the cost of telegraphing; in order to utilize these, it was necessary, as we discovered afterwards, to enlarge the Bill to enable a message, after it had come across the Straits of Northumberland or any other straits in the Maritime Provinces, to get beyond it—to go further. We might want it to go up to Ottawa, and without the powers of a general telegraphic company where are we? We would be, as the Bill originally provided, obliged to depend upon the great combination or monopoly which, as I said the other day, has really the Maritime Provinces by the throat. We should have to depend upon them to get out of the Maritime Provinces. Therefore the Committee deemed it necessary and advisable that we should ask for enlarged powers; we did so, and they were unanimously reported to this House.

HON. SIR ALEX. CAMPBELL—I would suggest that the Bill, as originally introduced, be printed in ordinary type, and the amendments printed in italics.

HON. MR. DICKEY—I would like to make an explanation. My hon. friend stated frankly that owing to the distance from one end of the House to the other, it was difficult to hear hon. gentlemen, and it was therefore not to be wondered at that he misunderstood the scope of my observations. I said jocularly that if promoters of this measure pressed that the amendment should be taken up at once, it was in truth a rapid telegraph Bill. I did not say that my hon. friend was trying to press anything; my observations were to the effect I have just indicated, and if that is an offence I fear my wit must be bottled up for other occasions.

The motion was agreed to.

NICHOLSON DIVORCE BILL.

CONSIDERATION OF THE THIRD REPORT OF THE SELECT COMMITTEE.

HON. MR. MACFARLANE moved concurrence in the third report of the select committee to whom was referred Bill (D) "An Act for the relief of Peter Nicholson"

He said: On last Thursday we presented to the Senate the report of the Committee who had investigated the claim of Peter Nicholson for a divorce bill, and at the request of the House the consideration of that report was postponed until to-day. The minutes are before the House, and of course gentlemen have been enabled to read, and I trust to understand them. I may say that the Committee were engaged for several days in carefully investigating this matter, and examined a very large number of witnesses, some from different sections of the Province of Ontario, and others from the adjacent State of Michigan, who were brought before us, all of which necessitated very considerable delay. The Committee having considered the matter most carefully, and having given to the subject the best deliberation of which they were capable, the majority have come to the conclusion, that after hearing the whole testimony, they would report against the preamble of the Bill. The case was certainly one of much complication, and I regret to say that the testimony adduced was not very creditable to the character of several of the witnesses who were examined on that occasion. I may also say that our experience in this case, more definitely than in any case I have yet known, brought under our notice the fact that it would be much the wiser course if examinations in cases of this kind were held before some other tribunal. While the committee have full opportunity of examining each witness most minutely, still there is a difficulty in submitting witnesses who are either unwilling or prepared to perjure themselves in fact, to that rigid and close examination which would be made in a Court of Justice. In this case, while the evidence showed clearly that the respondent's conduct was not good, it unfortunately happened that the conclusion was forced upon the committee that the hands of the petitioner himself were not

clean, and that his character was not such as to entitle him, in our opinion, to the benefit of the Bill which he sought. The majority of the committee have therefore, as I said before, determined that it was our duty to report the preamble of the bill as lost. The evidence was of a very extensive character indeed, and I regret to say could not be taken without considerable expense. It was very voluminous. Many witnesses were examined, and it was necessary to have it taken by a stenographer in order to afford members an opportunity, not only of investigating and sifting the evidence, but in reality to facilitate the proceedings; and notwithstanding the fact that the petitioner has made a deposit to meet this expenditure, we find it is far from being adequate to cover the expense incurred in the prosecution of this matter, and that the country will be put to considerable additional expense in connection with the conduct of this investigation. Without further remark, as this matter will no doubt be fully discussed, I beg to move that the report of the Committee be adopted.

HON. MR. BOTSFORD—As one of the select Committee to whom the Bill for the relief of Peter Nicholson was referred, I feel it my duty to state definitely that I do not concur in the report. I think that hon. gentlemen who have taken the trouble to read the evidence could hardly come to any other conclusion than that the preamble of the Bill was fully proved. The woman is living in habitual adultery, and has been so ever since she left her husband. She has been married by a Minister of the Gospel according to the laws of the State of Michigan; she has had a child, and that was proved, I think I may say to the satisfaction of the whole Committee. Her own testimony was a tissue of falsehoods, and her paramour, to whom she had been married, also perjured himself from the first word he uttered to the last. Now, under these circumstances I certainly cannot concur in the report, though I think, perhaps, it might have been so worded that I would not have thought it necessary to have stated my objection to it as one of the minority. But I may say this: that the Committee adjourned two or three times to give the respondent's counsel an opportunity to produce evidence with respect to the character and acts of the petitioner, and he failed to obtain that evidence and could not justify the statements made by him. It was pointed out very definitely to the counsel for the respondent, that if the parties refused to attend after being summoned, a warrant should issue and they should be brought here, but those steps were not taken. Now, if I understand the reasons of the majority, in reporting as they have done, there were assertions and statements made against the character of the petitioner himself of a very damaging description, but there was no evidence of them, and, as a matter of course, when charges are made against a man, a court of law presumes him to be innocent until he is proved to be guilty, and therefore those charges to which I refer, however damaging they would have been if established, were not proved before the Committee, though the respondent's counsel was given every opportunity to do so. The evidence is clear and conclusive, and therefore I feel it my duty, as one of the Committee—and I trust hon. gentlemen will give me credit for not being biased one way or the other—to express my dissent from the report of that Committee. I acted, as I thought, in a judicial manner. I have been in a position frequently to decide (being a legal man) upon questions of some importance, and I have a habit of weighing well the arguments of counsel who come before me, and it generally turned out that my decision was confirmed. I believe after sitting some 12 or 15 years in the Court of Common Pleas, I can state that not one of my decisions was opposed; and therefore I feel strongly in this matter, for in my judgment the evidence which was adduced before this Committee was of such a character as not to justify the report which has been made by the majority. I state that, because I do not wish to connect myself with a report which is adverse to the facts, and which has been laid before the Senate.

HON. MR. READ.—I think it is extremely inconvenient to discuss this matter without the evidence being before the House.

HON. MR. BOTSFORD.—It is before the House.

HON. MR. READ.—The hon. gentle-

man who has just taken his seat has made a statement that I fail to see proven by the evidence which was taken. He stated that this woman had been living in adultery with this man, from the time she left her husband. Now there is no such evidence as that, to my recollection, though there is evidence to show that she had been living some time with him. Then, while no doubt the hon. gentleman's judgment is good, and he acted in good faith and honestly in the matter, I think perhaps other gentleman on that committee acted just as honestly and may have judged just as wisely.

HON. MR. BOTSFORD.—I do not question their honesty; I only question their judgment.

HON. MR. READ—It is just as possible that there was an error of judgment on the part of the hon. gentleman himself, as on the part of others; we all acted to the very best of our judgment, and had no other interest in the matter. I think that though this woman may have acted ever so improperly, if her husband has conduced to that it is a bar to his being relieved. If, in the opinion of the Committee, or the majority of them, the husband's conduct had been such as to make them conclude he was a party to it, that he had conduced to it, or that by his acts he had encouraged her, or placed her in such a position that it was not to be expected she would be dutiful to him, then, as I construe the law, it cannot be expected that he should be relieved from the consequences of his own misconduct—that having been the cause of the difficulty to a certain extent. There are other reasons why, to my mind, the report of the Committee is a proper one to be adopted. The petitioner did not deny that there was an action pending against him in the courts, and in my judgment it was not right that he should be relieved when he did not make that denial, for it may be hereafter that he will be convicted in a court of justice of improper conduct. It is well at all events to let this matter lie over; it is only common prudence to follow that course, and if he is proved to be innocent before the courts, he can come to this House in the future for relief. He is not precluded from coming at any time, although I confess it is a somewhat expensive undertaking—and in reference to that point I would here state that, in my opinion, it is time we altered our rule and required a larger deposit to be made by those coming to us for relief in these cases. In the present instance the stenographer's account is some $225 more than the $200 paid in to meet that expenditure; the account is $425, and the amount deposited is only $200, leaving the difference to be paid by the country, in addition to any other expenses which may have to be met in connection with the case. Therefore I give it as my decided opinion that persons coming here for relief in such matters should be required to make a larger deposit than is now exacted.

HON. MR. ALMON—I should be very sorry that this report should be received, and that it should for one moment be supposed that I in any way concurred in the conclusion which has been arrived at and reported to this House by the majority of the Committee. I should stultify myself if I did not make this statement. This man has accused his wife of adultery, and how was that proven? I believe that the hon. gentleman from Westmoreland spoke rather hastily when he said that she lived in adultery immediately after leaving her husband; I do not think in fact there was any proof of that, but it was rather shewn that she went home to her father's and I daresay lived respectably while she was there. But as soon as she went to Detroit the evidence shews that she met with this man Jones, and that very shortly afterwards she went by the name of Mrs. Jones, and that in the course of a couple of years after she left her husband she had a child. It was proved that she had a child nursing at her breast; that was proved by two parties, that she said it was Jones's child, and that she went by the name of Mrs. Jones. Well, it was said that was not bringing proof enough. She gave her evidence very clearly, and if it had not been disproved by subsequent testimony, it would have convinced me that she was correct, she gave it so clearly and without the slightest hesitation. She stated this child which she was nursing—that she had in her arms—was the child of a Mrs. Johnson who was living in the house. Money was then provided to bring this Mrs. Johnson from Detroit, but instead of the desired witness

coming here to prove that the respondent in this case was not guilty of adultery, and that she (Mrs. Johnson) was the mother of the child which had been spoken of, I ask who came before the committee? None other than Mr. Jones, who was not the co-respondent, but who should have been! The very man who, if he had money enough for the purpose, should have had an action brought against him for damages in this matter! He was asked if he ever had criminal intercourse with Mrs. Jones, the late Mrs. Nicholson, and he said he had not; he was then asked if he was ever married to her, and he answered "No." But gentlemen, the proof that he was married was furnished by a respectable man, a type not of our cousins who reside at present across the border, but a man that might have been described by Cooper the novelist, an honest, tall and withal simple man, and a very good specimen of the old-fashioned Yankee. He gave his evidence clearly to the effect that he had married this man at his house, and he recognised him, while his wife who witnessed the marriage, proved that her signature was to the paper. Now there was a good deal of capital sought to be made out of the fact that they do not conduct the marriage ceremony with the same formalities in these States as is the case with us in Canada: but in the States marriage seems to be more like a temporary arrangement, while with us it is supposed to be a permanent contract. Well, this is nothing as a proof that Mrs. Jones was not married and had not a child, but on the other hand, the very Doctor who attended Mrs. Jones at her confinement—though he was a quack—proved that the child was born. His very admissions as to his want of professional knowledge proved him to be a truthful man, for had he been lying in the one case, it is but fair to suppose he would have sworn falsely in the other. I think most hon. gentlemen will agree with me that, with all that evidence before us, I would be stultifying myself if I said that I believed that Mrs. Nicholson was a moral woman, and had not committed adultery, and that the man ought not to be relieved from having anything to do with her. I grant you he was not a good man to look at, and I do not think his character will bear close investigation; and if an action had been brought against Mr. Jones for damages, I might have given a farthing damages, and should have thought I had given enough. Still, my feeling of justice—for I acted in this as if I was on my oath on that trial—was such that I could not sign a paper to say that this woman had not been guilty of adultery. The strongest evidence adduced by her lawyer was that her husband had turned her out of his house; that shows that he was a cruel man, but if he had broken his vows by which he had promised to cherish, honor and protect her, though she might have lost her love for him, she was not justified in breaking her own obligation. There were several questions asked by me which were called very hypothetical, but which to my mind bore very closely on the subject.

When this man Jones gave his evidence and asked that his expenses should be paid, I felt that if the committee had been a Court of Justice, we should have ordered him to be committed to prison and tried for perjury. If we had done so we would have only been doing our duty, but on enquiry I found that it was beyond our power. I asked him the question, whether he knew the nature of an oath, or whether he believed in the future punishment of the wicked. I was interrupted in doing so, and my question was ruled out of order. I said at the time that no doubt the lawyers were right and I was wrong, but I said: "I will ask you this question: Do you know that your evidence will be taken down and published in the papers where it will be read by the people of Detroit where you are known to be openly living with this woman who is known by your name and has borne a child to you, and knowing this to be the case, do you still persist in your statement," but I was told that my question was hypothetical. I do not think it was hypothetical. I think the question was a fair and proper one. Holding the views that I do I think it would have been very wrong in me to allow this matter to have passed over in silence and not to have entered my protest against the majority report of the Committee.

HON. MR. HAYTHORNE—I quite agree with the hon. gentleman who has just sat down, that he is at perfect liberty to have his own views of this case and to

defend them, but I think the same privelege should be allowed to the other members of the Committee who happen to differ from him. For my part, if I understood what was the duty of a member of this House who was directed to serve on that Committee, it was to ascertain first whether there was any collusion between the parties, or whether the husband had in any respect contributed to the result that had led him to petition thls House to relieve him from the care and management of his wife. Now when it was proved that Nicholson had treated his wife in such a cruel manner that she could not live under his roof; that they had separated under a bond of agreement, and in that agreement you find a passage which clearly intimates that at no remote period a divorce would be sought for by one or the other, and that it would not be opposed by either, then we had the clearest proof at an early stage of the proceedings that there had been collusion, and there, if my opinion could have prevailed with the Committee, the case would have stopped, and we would have heard no more of that distressing evidence to which we were obliged to listen. I will read to the House a few lines from the agreement which these parties entered into when they separated at Prince Arthur's Landing :—

"And the said Peter Nicholson and Rosetta Nicholson hereby agree that in case an application be made at any time by either of them for a divorce and a decree annuling the marriage of the said Peter Nicholson and Rosetta Nicholson, that these presents shall operate as a full and unqualified consent to said decree, and on being fyled in any court of competent jurisdiction shall bind all parties accordingly."

That, it seems to me, if words have any meaning, is evidence that there was collusion between those two parties, and that although at that particular moment they had not the means to apply for a divorce, may be for want of funds, they both contemplated that a divorce would be applied for, and when the application was made the other would not oppose it. If that is not collusion, I do not know what collusion is, and I say that the first duty of a member of a committee appointed to try a case of this kind is to have proof that no collusion exists. I acknowledge that I was in hopes for a long time that the respondent was an innocent woman, that there was a plot against her; but with equal candor I admit that the evidence of that man Jones, and the evidence of the American clergyman and his wife was of such a nature that I was reluctually compelled to admit to myself that the respondent was guilty of adultery; but having come to the conclusion that there was collusion between the two, I could not find that the preamble of this Bill was proven. He had been, in the first place, in collusion with the woman to obtain a divorce, and there was an agreement between them that a petition for divorce was not to be opposed. At this time, the petitioner admits clearly under examination, that although he might have suspected his wife of being unfaithful to him, he had no proof against her whatever, but there was proof that at that time he had treated her with the greatest cruelty. I do not think it is possible that any man can treat a young wife in a more cruel or barbarous manner than he treated her. She was a mere child when he married her—not more than sixteen or seventeen years of age—she bore children to him, and it is in evidence that he treated her so barbarously that she had to leave the shelter of his roof and take refuge from him, bruised and bleeding, in a hotel at Prince Arthur's Landing. This is her evidence, but it is corroborated by the evidence of a most credible witness—a gentleman who was connected with the Pacific Railway Survey—who hearing that this case was going on volunteered the evidence that he was stopping at the hotel in Prince Arthur's Landing when this woman sought refuge there from her husband, actually bleeding, and that she was maintained there for several days by the landlady. This was proof by a reliable witness that convinced me that the petitioner had treated his wife in a most barbarous manner. As to the latter part of the evidence, I admit that it has had the effect of convincing me that the respondent is not what I at first supposed her to be, a virtuous woman, but it assisted my judgment in coming to the final conclusion that if she had gone astray her husband was primarily responsible for it by his barbarous conduct towards her. And under

all these circumstances I cannot see how the House can hesitate in agreeing with the finding of the Committee.

HON. MR. KAULBACH—No doubt the House will agree after hearing the debate on this subject, that this body does not possess the proper training to exercise judicial functions in such matters. It is not every man who is qualified by training and education to exercise those functions properly. This will be at once seen when we consider the fact that every hon. gentleman who has spoken in favor of this report has admitted that according to the evidence the charge in the preamble of the Bill has been proved, yet in their report they declared that the preamble is not proven. If they had admitted in their report that the preamble of the Bill had been proved, but that in consequence of the conduct of the petitioner towards his wife the relief asked for should not be granted, it would have been more consistent with the views entertained by the majority of the committee, and more in accordance with the views they now express. The honorable gentleman from Prince Edward Island says that collusion has been proved. I contend that collusion has not been proved, and that the evidence shows quite clearly that the agreement from which the hon. gentleman has quoted was not prepared at the instance of the petitioner, but by the counsel for the respondent. The procedure before the Divorce Committee is a very expensive one, and a mass of evidence has been reported four-fifths of which is totally irrelevant and would be inadmissable in a court of law. My hon. friend from Belleville (Mr. Read), considers that the costs should be increased. My impression is that it is a delusion and a snare to invite men to come to this tribunal at an enormous expense to have their rights judicially and legally decided upon, according to law and evidence, when we find a committee admitting that the preamble of a Bill is proven, and that their report is to the contrary. In an early part of the proceedings the counsel for the respondent made a motion which was equivalent to a motion for a non-suit ; the Committee took it into consideration, and unanimously agreed that the motion could not be entertained ; that a *prima facie* case had been made out against the respondent. Notwithstanding this fact, and notwithstanding further corroborative evidence that the respondent was living as the wife of this man Jones, and that she had been married to him ; notwithstanding the evidence of the clergyman who married them, the certificate of marriage, the fact that she was attended in her confinement at her father's house as Mrs. Jones, by her father's family physician—notwithstanding all this corroborative evidence after the committee had decided there was a *prima facie* case that adultery had been committed, the Bill is thrown out on the ground that the petitioner himself did not come before this tribunal with clean hands. When we examine the evidence, however, we find that there is no substantial or conclusive evidence of adultery on his part ; he was simply asked if an action for damages had not been brought against him for improper intimacy with his own neice, and he admitted that there was. No proof was adduced that he had been guilty of the act with which he was charged, and the law presumes that a man is innocent until guilt is is proved. It is said that he treated his wife with cruelty. Even if he did, it is no bar to his obtaining his bill if the allegation in his petition is proved. But we have no corroborative evidence of cruelty on his part. But we have evidence of the respondent consorting with other men, neglecting her duties as a wife, staying out at night, and telling her husband that she loved another man's little finger more than his whole body. Such conduct is sufficient to arouse jealousy and anger in the heart of any man, and to drive him to a course that would not be warranted under other circumstances. There is some evidence that she was seen running into a hotel bleeding, but there is no proof that it was from injuries received from her husband. A stronger case of injustice I have never seen, than is now being done to the petitioner in this case, and I hope the Minister of Justice will now see that this House has not the training that is absolutely necessary to exercise judicial functions in cases of this nature. There were very few lawyers on the Committee.

HON. MR. READ—Hear ! hear !

HON. MR. KAULBACH—My hon. friend from Belleville says "hear, hear." I suppose he considers that persons who have not had a legal training have as good a knowledge of what is evidence as lawyers have; perhaps they may have, but he will find that a large majority of this House do not consider those questions at all, and will not exercise any judicial functions in regard to them. Looking at the expense of taking this evidence, between $400 and $500, four-fifths of which is unnecessary, and has no connection with the case, it can easily be seen that it is a snare and a trap to ask any man to come to this Court to have his case decided according to the law and evidence. If this House had only read the evidence taken before the Committee they could come to no other conclusion than this: that a stronger case of circumstancial evidence could not be produced in any court —not only circumstantial but direct evidence of this woman's guilt, and the right of this petitioner to the relief he asks for at our hands.

HON. MR. OGILVIE—I certainly object to a few of the remarks of my hon. friend frcm Lunenburg. He has a perfect right to his own opinions and to think for himself, but he certainly has no right at all to give the opinions of the majority of that Committee. The majority were probably attending to their work as closely and as carefully and as honestly as the minority of the Committee, and I think it is very unfair indeed for any hon. gentleman to stand up here and state and reiterate that if the members of this House would only read the evidence they would say that we, the majority of the committee, were all wrong. The majority of that committee had nothing else to look after—had no other object in view—than the minority had. The majority have reported against the Bill, and we hear the minority stand up one after the other and state what a dreadful blunder we have made; that this woman came here everything that was bad, and that the man was everything that was good. I would like to have had this House listen to the evidence taken before that committee, and if they had I am satisfied that they would say if ever there was proof of the utmost barbarity and the utmost cruelty it is possible for a man to use towards a woman it was in that case. For my part I was horror struck: I could hardly believe that any man could be such a brute as to do what that man has done, and that evidence was uncontradicted. I say that any man who has acted as the petitioner has done has no right to come to us for relief, and if I had it to do over again I would report against it a thousand times. The petitioner, I am sorry to say, is in the employ of the Government, and the quicker he is put out of the public service the better. I heard the evidence of the respondent and it seemed to me from what I heard that she had been a good woman once, and if she had gone astray she was driven to it by cruelty and brutality, such as we sometimes read of in novels, but rarely hear of in a civilized country. We have rendered our report according to our convictions, and I am satisfied that if this House had read the evidence, the majority would agree that our conclusion is the proper one.

HON. MR. KAULBACH—My hon. friend was not present and did not hear all the evidence; he was not in the Committee, I think, more than once or twice.

HON. MR. OGILVIE—I beg the hon. gentleman's pardon; he is entirely mistaken.

HON. MR. MCINNES—As one of the majority of this committee who signed the report I was very much surprised at the remarks that have fallen from several members of the minority. I agree with the hon. gentleman from Prince Edward Island, that there was collusion between the parties a short time after their married life commenced, and more particularly when that extraordinary document called the "deed of separation" was signed. There were two deeds. The first deed of separation provided that he should pay to Mrs. Nicholson the sum of one hundred dollars a year. Even that pittance, after allowing her to take his children and go to a foreign country to struggle for an existence, he discontinued. Some two years afterwards she appeared at Prince Arthur's Landing again, and a new deed of separation was prepared and signed by both parties, which provided that he was to pay her $200 a year, instead of $100. In that deed, an extract from

which has been read by the hon. gentleman from Prince Edward Island (Mr. Haythorne) it is perfectly clear to my mind that they contemplated seeking a divorce at no distant date. When that deed was placed before the Committee, I voted that the petition should not be proceeded with any further, as it proved collusion; however, the majority thought otherwise. A great number of witnesses were called from Detroit. I must remark that more extraordinary evidence I never heard given before any committee or tribunal. I think I may safely say that four-fifths of the utterances of these witnesses were false. No person having the least knowledge of human nature could sit there, and believe anything of what was supposed by the minority of the Committee, to be material evidence: I for one could not. I am not one of those who believe in the purity and innocence of the respondent. I believe that she did fall, but I agree with the majority of the Committee that she was forced to that in order to live, and provide for her children—forced into it by the cruelty and barbarous conduct of her husband. The hon. gentleman from Lunenburg states there was no evidence that Mr. Nicholson assaulted or ill-treated her, or that the blood that appeared upon her person when she took refuge in the hotel at Prince Arthur's Landing was drawn by him; but hon. gentlemen will remember that a very short time before that the junior member for Halifax and myself were called upon to examine a wound of nearly two inches in length that had been inflicted by this unnatural husband in the back of his wife's head. That was not denied by him or any of the witnesses who were produced there.

HON. MR. KAULBACH—If I stated that there was no cruelty upon his part I wish to withdraw that expression. Some part of his conduct I did not approve of, but I did not think it was sufficient to justify us in throwing out the Bill.

HON. MR. MCINNES—There was other evidence which I think will show that the committee were justified in reporting against the Bill, when the case was postponed for ten days, to enable the petitioner to produce this Miss Brown, with whom it was alleged he had had criminal connection, what did we find? He went to Kincardine——

HON. MR. ALMON—There was no evidence of that kind. It was stated in a letter that a person thought so. The hon. gentleman would be sorry to see a statement received for which there was no authority.

HON. MR. MCINNES—When the summons was returned stating that this Miss Brown could not be found, there was also a letter read from the Sheriff of Bruce County that Miss Brown could not be found, and that he believed that Mr. Nicholson, who had been there, found Miss Brown and got her to disappear for a time.

HON. MR. ALMON—Is that evidence?

HON. MR. MCINNES—It was evidence in this way: I was one of the committee who urged that two or three days more delay should be given, to afford the petitioner ample time to summon Miss Brown and Mr. Brown to appear before the Committee and give evidence. When we met on a Friday, the hon. member from Belleville (Mr. Read) moved that we adjourn until the following Monday. That motion was lost, and the consequence was that the case went on. In my humble opinion a man who had acted so cruelly towards his wife, and so unnaturally to his offspring—a fact which he never for one moment denied—was not entitled to a divorce. He never provided for them in any manner, and when he met them—once, at least, in the streets of Detroit—he had not enough of the milk of human kindness or paternal feeling in his bosom to recognize them. A man who could act in that way should not be granted a divorce to enable him to enter the matrimonial state again and raise perhaps a third family to treat them in the same cruel manner. These are the reasons why I voted with the majority in that case, and I feel, with the hon. member from Montreal, that if I had to do it again I would cast my vote in the same way.

HON. SIR ALEX. CAMPBELL—The only course left open to us is to adopt the report of the Committee which comes before us, at all events, with the sanction of

the majority of that Committee. It is impossible for the House to go into the case again ; it is impossible for us to go into the evidence or to relieve the Committee and appoint another, so that I see no course for us but to adopt the Committee's report. I regret, as I am sure we all do, that there should have been so much difference of opinion amongst the members of the Committee. Perhaps the report might have been drawn up in such a way as to avoid that difficulty if hon gentlemen had thought of it in time, For my own part, I think there is nothing to be done but to adopt that report.

HON. MR. BOTSFORD—I did not intend to oppose the report, but I felt it my duty to state the reasons why I did not agree with it.

The motion was agreed to on a division.

PORTAGE, WESTBOURNE AND NORTH-WESTERN RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. PLUMB moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbors, to Bill (58) "An Act to amend the several Acts incorporating the Portage Westbourne and North-Western Railway Company, and to change the name thereof to the Great Northern Railway Company of Canada."

The motion was agreed to and the Bill was then read the third time and passed.

DAVIS & LAWRENCE MANUFACTURING COMPANY'S BILL.

SECOND READING.

HON. MR. OGILVIE moved the second reading of Bill (79) "An Act to incorporate the Davis & Lawrence Manufacturing Company."

He said : This Company is composed principally of gentlemen residing in the United States, who are manufacturing largely all kinds of toilet articles. Their principal manufacture is Perry Davis' Pain Killer, and they are erecting a very large establishment indeed, with a view to manufacturing the article in Montreal instead of importing it from the United States. They say that they will not go on with the company if it is imperative that a majority of the directors shall be British subjects residing in Canada. They wish to have a majority of the directors subjects of the United States, and as they are bringing a good deal of money into the country I can see no reasonable objection to that. There was no objection to it in the Lower House I know.

HON. MR. KAULBACH—I think it would be wrong to allow such an innovation. I think we should have a majority of the directors here.

HON. MR. ALMON—It appears to me that all these patent medicines are manufactured in Montreal. The hon. gentleman from Victoria brought in a Bill for the manufacture of Fellow's Compound, and now we have a Bill for the manufacture of Pain Killer. Could we not get all the patent medicines in one Bill, and not take up the time of the House in dealing with them separately ?

HON. SIR ALEX. CAMPBELL—I hope that the clause to which objection is taken will be carefully considered in the Private Bills Committee. It has been the rule in Canada in passing such bills as these to provide that a majority of the directors of the company should be British subjects, and residents in Canada. In the several states of the Union they do not relax that rule when they incorporate companies ; they require that a majority of the directors shall be citizens of the United States. The principle is a novel one, and should not be admitted without some object of considerable importance is to be gained, and I do not think that this is an exception.

HON. MR. OGILVIE—I cannot cite the Acts now, but I know that several Bills have been passed containing just such provisions as this. As I was coming up on the train to-day Mr. Abbott cited them for me. He said if there was the slightest objection to the Bill in this House that he would be very glad to appear before the Committee to which it will be referred and explain it. Although some hon. gentlemen may laugh at the patent medicine business I can tell them that hundreds of thousands of dollars are sent out of

the country every year for them, and if we can make them in Canada instead of importing them from abroad I think it would be well to do so.

HON. MR. POWER—I think this Bill is open to the same objection which was raised to other bills recently; it deals merely with a private matter and should have been introduced in the Local Legislature. However, as the House decided on a previous occasion to allow a somewhat similar bill to pass, I suppose there is no use in raising the objection now. During the present session one or two bills of a similar character were passed—one at all events—providing that the majority of the directors might be citizens of the United States, so that the Bill is not so objectionable, perhaps, on that ground. Then, on the other hand, I presume that the capital which is being invested in this undertaking is some of the $10,000,000 which I think the Minister of Finance stated some time ago was waiting to be invested in this country if it saw that the National policy was sustained, and I was surprised, under the circumstances, to hear the Minister of Justice raising an objection.

HON. MR. FERRIER—I wish to ask whether these American citizens propose to deal in dynamite and other explosives? If so it would be better to have them controlled by directors who are British subjects and residents in the country.

HON. MR. OGILVIE—I can easily answer that question. Mr. Lawrence has been a highly respectable citizen of Montreal for the last ten or twelve years. Mr. Davis is probably one of the first men of the State of Massachusetts, and is highly respectable in every way. I don't think that there is the slightest danger of any trouble on that score. They do not say in the Bill that a majority of the directors shall be citizens of the United States. They provide that the chief executive officer of the company shall be a British subject, and resident in the Dominion of Canada, and that it shall not be necessary for a majority of the directors to be British subjects, or that they shall reside in the Dominion of Canada. It is permissive; it is not obligatory.

HON. MR. MILLER—I think it is very desirable that this discussion should have taken place, and as a member of the Private Bills Committee I am very glad that it has. The principle sought to be here introduced in this Bill is not, in my judgment, a new one. I think there have been instances when Bills of this character have been passed by this Parliament. You cannot lay down any sweeping rule or principle which would declare that such Bills are unwise or improper, It may be very proper to grant corporate powers to a company, a majority of whose directors may be foreigners, and I take it that Parliament would, in every case of the kind, look to the particular circumstances and objects of the Act of incorporation, and be actuated altogether by those objects and circumstances in granting the Bill. Many acts of incorporation might be asked from this Parliament, which we might hesitate to grant, if a majority of the directors were to be foreigners, and very properly so, but I do not see why in conducting mining operations an Act of incorporation should not be granted to a corporation of foreigners, if proper checks and guards be attached. I think it desirable, of course, to have some of our fellow subjects and fellow citizens in the directorate, yet I can imagine cases in which there would be no objection to having all the directors foreigners, but the circumstances which would induce Parliament to grant the Bill should be such as would be apparent to the House, and meet with its approval. I do not think anything is to be feared in granting an Act of incorporation such as is now asked for in cases like the present.

HON. MR. ALEXANDER—If I remember aright one of the arguments used in favor of adopting the National Policy was that if there was no capital in our own country, capitalists might be induced to come in from other countries and establish manufactories here, and so give employment to our people. I cannot see what objection there can be to Americans of enterprise coming into Canada and establishing industries in the country. The objection might be to a majority of the Directors of a railway company building a road through our country being foreigners, because they might act adversely to the interests of the country, but I think it would be an erroneous policy to dis-

courage capitalists coming from the United States to develop industries in the Dominion. Is there not a probability that if these gentlemen become successful in Montreal, some of them will take up their permanent residence there? We can point to some of our leading men in Toronto who were American citizens, and the probability is that if this company should be successful, some of its members will come to reside in Canada.

HON MR. FLINT—I do not see why if a number of gentlemen in the United States furnish money to establish an enterprise here, they should not have the control of it, and an opportunity to make money out of their speculation. I know that Mr. Davis is a very fine old gentleman who is highly spoken of wherever he is known, and I for one am satisfied that he has done an immense amount of good in manufacturing what is known as Perry Davis' Pain Killer. This company cannot take everything away from the country. In the first place these patent medicines are thoroughly advertised throughout the length and breadth of the land; they cannot take away what they pay for advertising, and that would be so much money spent in the country, If they purchase property they cannot take it away either. If they lease a property they have to pay rent and fit it up; then the men employed in the manufacture of the medicines must, of course, live, and that money will be spent in the country. Consequently, taking everything into consideration a large amount of money will remain here through the establishment of this enterprise. A great deal has been said, and my hon. friend from Halifax (Mr. Power), has made reference two or three times to the $10,000,000 to be brought into this country by the national policy. It is being brought into the country every day, not ten millions merely, but tens of millions, through the operation of that policy. Therefore I think we need not fear to let our American neighbors establish their patent medicine manufactures in Montreal. I do not think they will kill more people with their patent medicines than are killed off by the operation of the old system of medicine.

HON. MR. PLUMB—I have no doubt that Mr. Davis is a very excellent man, but I do not see what he has to do with this Company. His name does not appear as one of the corporators. The name of the Company is the Davis and Lawrence Manufacturing Company, and the corporators are William Van Duzen Lawrence, John Stephen Bates, Jonathan Newton Harris, John Wyeth, F. H. Wyeth, E. T. Dobbins and Horace Seymour Bloodgood. I have no doubt it is a salutary rule in many instances to provide that the majority of the directors of companies under the Joint Stock Companies Act, or under charters obtained here, should be British subjects, and resident in the Dominion. I think it would give us more control over them; but I know of one or two important cases in which all of the directors reside outside of the Dominion. That is the case in the Canada Southern Railway Company, which is controlled entirely by gentlemen on the other side of the line. In the reconstruction of the Company not a single resident of the Dominion was among the directors, but in this case it would be no hardship, because the capital is to be $500,000, and it will be easy to find stockholders in Montreal who will become directors. I do not say that it is objectionable, but I think it is not right to provide absolutely as if we were doing it from forethought, that it shall not be necessary for a majority of the directors to be residents of this country which means that it shall not be necessary for any of them, excepting the chief executive officer, to be British subjects. Perhaps, as my hon. friend suggested a while ago it may be that the business of this company is such that there would be no objection whatever to its being in the hands of foreign capitalists, and I agree with my hon. friends from Woodstock and Belleville that we ought to do everything in our power to encourage the coming in here of foreign capital, and that we should throw no unnecessary obstructions in the way of new enterprises. I have no doubt the senior member from Halifax who addressed us a little while ago in his usual perspicuous style would desire to do everything in his power to enable the Finance Minister to fulfil the prediction which he has made that a large amount of foreign capital would come into the county. I have no doubt that all his energies, and all the influence he possesses in this House would be bent to the purpose of accom-

plishing that desirable result, because I cannot believe the hon. gentleman is one of those who feels that it would be better to see this country decline, to see it depressed, than that the predictions that have been made in regard to the success of National Policy should be carried out.

HON. MR. OGILVIE.—In answer to the hon. gentleman from Niagara, it is quite easy to explain why the name of Mr. Davis is not here. As has been stated before, Mr. Davis lives in Massachusetts, and this Bill was gotten up and signed by the parties who were here. Mr. Davis will be one of the chief stock holders in the concern, but he was not here when the Bill was drafted. The hon. gentleman from Niagara expresses a desire to bring capital into the country, but at the same time he is raising the very objections which tend to prevent the accomplishment of that result. He professes his anxiety to have it brought here and yet he says there is no doubt that myself and others might be induced to subscribe for the stock and to become directors.

HON. MR. PLUMB.—I did not include you.

HON. MR. OGILVIE—The hon. gentleman said gentlemen in Montreal would no doubt subscribe, but that is just exactly what the promoters of this Bill do not want; they desire to subscribe for their own stock. There is a large number of them, and I think there are some heirs of the estate of Davis, and they wish to have it a limited liability company; they do not want to give any stock to other persons but intend to keep it themselves. I have listened to a great many speeches here, but I fail to see how it could possibly be injurious to Canada to let these gentlemen come to the Dominion and start a manufactory—no matter of what discription of goods—so long as they are sold and used in Canada. There could be no danger in permitting this, they will employ labor even though there should not be a majority of their directors resident in Canada. I have no interest in this Bill, not even to the extent of a dollar, and the House may either pass it or throw it out as they please; but I have not heard one word in the argument of any hon. gentleman which would show me why we should object to allow these men to spend some $500,000 in carrying on a factory in this country that will employ from 300 to 500 hands, simply because they want to manage their own business; I confess I fail to see the value of such an objection.

The motion was agreed to, and the Bill was read the second time.

QU'APPELLE, LONG LAKE AND SASKATCHEWAN RAILROAD AND STEAMSHIP COMPANY'S BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (72), "An Act to Incorporate the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company."

He said: This Bill asks for the incorporation of certain gentlemen, with those who may associate themselves with them, for the purpose of constructing a railway from a point at or near Regina, running north-westerly, crossing the Qu'Appelle River at its junction with Long Lake, thence running along the easterly or westerly side thereof until it reaches the northerly end of that lake, thence running in a north-westerly direction to a point on the South Saskatchewan, at or near the fifty-second degree of north latitude, thence continuing in a north-westerly direction until it reaches the North Saskatchewan, at or near the one hundred and seventh degree of longitude.

At the same time they ask power to use those magnificent water stretches, and are already making preparations for building vessels, or are taking out material for constructing vessels during the ensuing summer on Long Lake. There is no provision in this Bill but such as may be found in other measures of this character which have been passed by this Parliament. The Bill was carefully examined by the Railway Committee of the other House, and certain amendments were made, bringing it into conformity with previous legislation. It will no doubt receive very careful scrutiny at the hands of our own Railway Committee, and I am satisfied that, when it is reported to this House, it will be found quite free from

any objection. I beg to move the second reading of the Bill.

HON. MR. REESOR—Will the hon. gentleman state how it is contemplated to run this railway, on which side of Long Lake?

HON. MR. VIDAL—I cannot exactly say; in fact I do not think the promoters themselves have decided. They propose to use steamboats at present.

The motion was agreed to, and the Bill was read the second time.

CUMBERLAND COAL & RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. MACFARLANE moved the second reading of Bill (71), "An Act to incorporate the Cumberland Coal & Railway Company."

He said: This Bill is merely a measure to incorporate a company for the building of a railway and steamboat, in Nova Scotia, with the ordinary powers to be found in bills of this nature. I beg to move that the Bill be read the second time.

The motion was agreed to, and the Bill was read the second time.

GREAT WESTERN AND LAKE ONTARIO SHORE JUNCTION RAILWAY COMPANY'S AMENDMENT BILL.

SECOND READING.

HON. MR. FERRIER, in the absence of Hon. Mr. McMaster, moved the second reading of Bill (70), "An Act to amend the Acts relating to Great Western and Lake Ontario Shore Junction Railway Company."

The motion was agreed to and the Bill was read the second time.

BILL INTRODUCED.

The following Bill from the House of Commons was introduced and read the first time:

Bill (51) "An Act to amend the Act to incorporate the Chignecto Marine Transport Railway Co., (Limited.)—(Mr. Bourinot."

The Senate adjourned at 5.45 p.m.

THE SENATE.

Ottawa, Tuesday, April 24th, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (28), "An Act to continue an Act to incorporate sundry persons by the name of the president, directors and company of the Farmers Bank of Rustico," was reported from Committee with certain amendments which were concurred in, and the Bill was read the third time and passed.

OFFENCES AGAINST THE STATE BILL.

SECOND READING.

HON. SIR ALEX CAMPBELL moved the second reading of Bill (N), "An Act respecting certain offences against the State."

He said: This Bill has been on the notice paper for some time, and I dare say hon. gentlemen generally have read it. The circumstances in which the country is placed seem to require some provision of the character which this Bill aims at, and it is the fact that there is no law on the subject, none extending so far, at all events, as the Bill now before us proposes to go; no law generally affecting the whole Dominion.

There are some parts of the Bill to which objections I know have been taken, and those parts I propose to alter so as to meet those objections. There is a law existing in Lower Canada, an ordinance passed previous to 1839, which makes provision upon this subject, and which it is thought that the last clause of this Bill would repeal, but I am quite ready to alter that clause if it has that effect. I think some provision should be

made to meet the class of offences at which this Bill aims. Whether the present Bill is sufficient or not, or whether some other and better provision could not be made is a subject which requires further consideration, and with a view to giving it that consideration I propose to refer it to a special committee. I am in hopes that before the committee shall report, we shall have a copy of the Bill which is being passed through the Imperial Parliament at this moment. I see by the telegraphic reports in the press that the Bill has passed, and we get almost immediately after Bills pass, copies of all such criminal acts in the Department of Justice and the Library. I hope to get the Bill of Sir William Harcourt before this committee finishes its sittings. With that Bill, the present Draft Bill, and some suggestions I have received on the subject, I am in hopes that a measure will be passed which will present some advantages and offer some additional security for the maintainance of the public peace. I thought if the Bill received the sanction of the House, and was afterwards considered by a special committee composed largely of legal gentlemen it would be a great advantage, and I will then before that committee alter the last clause so that it shall cease to have any effect upon the existing legislation in the Province of Quebec, which, I believe, will remove the only objections which are held by hon. gentlemen to the Bill.

HON. MR. RYAN.—Before reading the Bill the second time I think it will be very important to show in what way the clause which is referred to by the Minister of Justice is to be altered, so as to assure hon. gentlemen who have the objection that it affects cap. 10 of the consolidated statutes of Lower Canada, and amendments thereto by the 29 vic. cap. 46, in an important way.

HON. SIR ALEX. CAMPBELL.—The only change which will be necessary in order to remove all doubts on that point will be to alter the last clause of the Bill which as printed here says: "All laws inconsistent herewith or relating to the same subject matter are hereby repealed." If the language, "or relating to the same subject matter" is omitted, the effect which my hon. friend contemplates would not result.

HON. MR. MILLER.—I think the motion of the Minister of Justice is one that will commend itself to the House. Although many of the offences included in this Bill are already to some extent provided for both by the common law and the statute law of the country, still I think it must be admitted that the state of society generally at the present day is such as imperatively demands the passage of some law that would place the community and the Government in a safe position in regard to the dangerous secret associations which we know exist now in so many countries. We have not a great deal to apprehend from those secret organizations in this country. Fortunately we are blessed with a state of society affording little cause for serious alarm, and with a law-abiding population, as nothing but peace and harmony prevail in every section of our great Dominion. Still it is necessary that we should be prepared against all emergencies. We do not know how soon the evils which other countries are finding it necessary to guard against, and which threaten in some cases the very disruption of society itself, may not extend to our land. We know that those evils are of a dangerous and epidemic character, and that they are very likely to spread if not checked. I think therefore under the circumstances it is very desirable that we should have some definite and positive legislation on those subjects. Although, as I have just remarked, the common law provides for some of those cases, it is desirable that we should have specific and positive legislation on those matters. I know that there has been a great deal of fear expressed by hon. gentlemen from Quebec that the passage of the Bill, as it stands, might seriously alter their position in regard to a subject on which they feel very strongly; but after the explanation which the Minister of Justice has just given, I do not think that fear can any longer exist. The Bill will be sent to the Committee, the principle of it having been approved of by the second reading, and the Committee will have the power to make any alterations that may be deemed necessary. When the Bill comes back for further consideration of the House, if it does not meet the views of the hon.

gentlemen who have strong objection to the last clause, it will then be open to them to take any action they may deem advisable. A Bill of this kind is peculiarly adapted for consideration by a select committee. It is not a measure, perhaps, that would be satisfactorily considered in the first instance in committee of the whole, though it will afterwards be referred to committee of the whole, when it comes from the select committee.

HON. MR. BELLEROSE—I agree with what has fallen from the hon. gentleman from Richmond, and I believe it will be as well to refer the Bill to a special committee, since the hon. Minister of Justice has explained that in voting for the second reading no member of this House shall be considered as being committed to the principle of the measure when it comes back from the Committee. I may say, however, that the majority in both Houses of Parliament, having confidence in the advisers of Her Majesty, had a right to expect something better at their hands. It is pretty certain, if this Bill had been passed in its present shape, that the Province of Quebec and other portions of the Dominion would have been placed in a different position to that which they now occupy in relation to this subject, because under the Bill as it now stands the case to which public attention was directed for over two years would have been decided by the Courts in quite another way. This shows the consequence of having in our Government, gentlemen who belong to such societies—to an organization which Her Majesty, even in England, has not yet decided to recognize as a political society. The leader of the Government ought to pay a little more respect to the majority in this House, and whether his feelings are those of an Orangeman or not, he should endeavor to follow the example set by the Imperial Parliament. It would be a curious thing if, when the Imperial Government have refused on many occasions in years past to incorporate that association, we in this country should give it a corporate existence. It shows that the respect which is due to the majority of his supporters is not felt by the leader of the Government. It is well known that a majority of the Government voted for the Bill to incorporate the Orange Association. Is not that a menace to the country? It is, and no doubt it will injure the Government of the day in all parts of the Dominion where it is felt that that association is not one calculated to promote the public welfare.

HON. MR. POWER—I do not rise for the purpose of opposing the second reading of this Bill, because I think that while the Bill itself is an imperfect one, it is very desirable that there should be some legislation on the general question of protection against treasonable associations. But I presume that the Committee to whom the Bill is to be referred will incorparate in it provisions similar to those which will be found in the measure introduced by the Home Secretary in the Imperial Parliament. While I have no objection to the principle of the Bill, as explained to the House, I think it should have given evidence (I do not wish to be disrespectful to the Minister) of a little more pains-taking. I think, if any Bill was needed for this particular purpose of dealing with treasonable and improper oaths, that it should have been more limited in its scope, and should have been couched in more modern language. I have taken pains to make some enquiry into the history of this measure, and I find that it is copied almost verbatim, with some significant omissions, from chap. 10 of the Consolidated Statutes for Lower Canada, which was copied from an ordinance of Lower Canada, second Vict. chap. 8. That ordinance of Lower Canada was copied from four English Statutes; it embraced portions of statutes passed in 1797, 1798, 1812 and 1818. The subject is dealt with in this Bill as it was in those Statutes, in a spirit more suited to the last century than to the present age; and the phraseology used in the Bill is just as old-fashioned as the enactment itself. If the Government had need to pass a Bill like this, as I presumed they, the Minister of Justice, or the officer who was engaged in preparing the Bill (for I do not suppose the Minister himself had much to do with it) should have referred to a common hand-book, "Stephens' Digest of the Criminal Law," where he would have found the substance of this enactment given in much more modern phraseology, at pages 49 to 54. I am surprised that the Minister did not instruct his officer to take the wording of

the Statute from that place instead of from the Statutes from which it has been copied. Lest it may be supposed that I am expressing my own unsupported views, I shall read to the House a few lines from the introduction to that Digest. At page 24 of his introduction Stephen says:—"No one, I suppose, would wish to draw from the obscurity from which they are at present buried the laws relating to offences against religion, (Chapter 17); no one would wish to give new force to the extraordinary provision of the Acts for the prohibition of secret societies (Article 86)." That is the way he speaks of this very enactment which the Minister proposes to re-enact in Canada at this time.

HON. MR. MILLER—What is the date of that work?

HON. MR. POWER—1877.

HON. SIR ALEX. CAMPBELL—Many things have occurred since then.

HON. MR. POWER—I am not finding fault with the purpose of the Bill, but with its phraseology and the scope which is given to it.

HON. MR. PLUMB.—Merely the English?

HON. MR. POWER.—The hon. statesman who sits behind the Leader of the House will have an opportunity of expressing his views on the subject presently. At page 31, of the introduction of the book I have mentioned, I find the following: "Chapter 8 relates to unlawful oaths and associations. The Secret Societies Acts 39 Geo. 3, c. 79, and 57 Geo. 3, c. 19 (Article 86) are full of provisions quite unsuited to these times and liable to great abuse." Now I think, if I may be allowed to express my view on this subject, that the Bill should embrace substantially all the provisions against those unlawful oaths, and also the substance of the Imperial Act against seditious conspiracies, as well as the recent Act respecting dynamite and other explosives. I think the suggestion of the Minister of Justice a very wise and prudent one; and with respect to the matter referred to by the hon. gentleman from DeLanaudière (Mr. Bellerose) it is understood clearly, as I gather from what the Minister of Justice said, that the Committee will take pains to see that the result which the hon. gentleman from DeLanaudière feared might follow from the passage of the Bill as originally introduced, will not be produced by the measure in its completed form.

The Motion was agreed to and the Bill was read the second time.

HON. SIR ALEX. CAMPBELL moved that the Bill be referred to a select committee composed of the Hon. Messrs. Bellerose, De Boucherville, Boyd, Dickey, Howlan, Macfarlane, Miller, Power, Scott, Trudel, Vidal and the mover.

HON. MR. PLUMB.—The hon. gentleman from Halifax will now have an opportunity of improving the English.

The motion was agreed to.

OFFENCES AGAINST THE PERSON BILL.

REFERENCE TO COMMITTEE POSTPONED.

HON. MR. PELLETIER, in the absence of Mr. Scott, moved that the order of the day for reference to a committee of the whole House or Bill (7) "An Act to amend the criminal law and to extend the provisions of the Act respecting offences against the person" be discharged and that the Bill be referred to a committee of the whole House to-morrow.

HON. MR. ALMON—I move in amendment that the Bill be not referred to a Committee of the whole House to-morrow, but that it be referred to a Committee of the whole House this day six months. Since I tried to read Rabelais I have not met such a disgusting piece of bestiality as this Bill. Instead of being the work of a statesman, possessed of parliamentary experience, it appears to be the dream, nay, the nightmare of a vegetarian who had supped on raw cabbage and had washed it down with tumblers of water, and dirty water at that.

HON. SIR ALEX. CAMPBELL.—Does the hon. gentleman consider it fair to go on in the absence of the hon. member who has charge of the Bill?

HON. MR. PELLETIER—I was about to make that suggestion.

The motion was agreed to and the reference to a Committee of the Whole House was fixed for to-morrow.

The Senate adjourned at 4 o'clock.

THE SENATE.

Ottawa, Wednesday, April 25th, 1883.

The SPEAKER took the Chair at Three p. m.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills were reported from committee and read the third time and passed without debate:

Bill (70). "An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway."

Bill (79), "An Act to Incorporate the Davis and Lawrence Company."

Bill (40), "An Act to grant certain powers to the Acadia Powder Company."

CANADIAN PACIFIC RAILWAY COMPANY'S PETITION.

HON. MR. BELLEROSE from the Committee on Standing Orders and Private Bills, to whom was referred the Petition of the Pacific Railway Company, praying to be permitted to present a petition for the passing of an Act authorising them to lease, and to do all incidental and necessary thereto, the lines of the Credit Valley Railway Company, of the Ontario and Quebec Railway Company, and part of the line of the Atlantic and North-West Railway Company, reported that the Committee had found that although the time for presenting petitions for Private Bills to the Senate had expired, satisfactory reasons were given for the delay in this case. He moved that the 49th rule be suspended and that leave be given to the Canadian Pacific Railway Company to petition as prayed for.

HON. MR. MILLER—Before the motion is put I wish to say that while I consider that the course now taken is quite regular, and in fact no other course could be adopted in the other branch of the legislature when the time is allowed to pass for presenting petitions for Private Bills, still it is a course that involves a certain amount of circumlocution and unnecessary trouble, because under the rules of our House all bills coming from the other branch of the legislature that have not been reported on by our Standing Orders Committee can be referred after the first reading to that Committee. While no objection can be made to the course here pursued it may involve a good deal of delay. In the first place the petition for leave to present a petition for a bill has to be referred to the Standing Orders Committee, and by them reported on to this House. Then a motion has to be made to suspend the rule; the petition has to be presented and then it has to go back to the Standing Orders Committee. All this is avoided by availing ourselves of the simple method prescribed by the 56th rule of this House, of referring all bills coming from the other House to the Private Bills Committee that have not already been reported on by the Standing Orders Committee. That committee takes cognisance of all circumstances connected with it, and they can recommend the suspension of the rule and the second reading follows. It is a course that can be pursued here, but cannot be followed in the other House because they have no such rule.

HON. MR. BELLEROSE.—In the course we have adopted the petitioners are saving time because if we follow up the rules and receive the Bill without a petition, then after the first reading the Bill will have to be referred to the standing Order Committee to be reported upon as to notice, while under this procedure no time is lost, as the Bill has not come before the House yet, and it will be a saving of time. The other course referred to by the hon. gentleman from Richmond, is also open.

HON. MR. ALLAN.—I quite agree with a good deal that has fallan from the hon. gentleman from Richmend, but I was anxious that in this case no objection should be taken to any infringement of the rules of the House, and, as the hon.

gentleman from Delanaudière says, I do not know but the present course is as expeditious as far as the passing of the Bill is concerned. I should be very glad that some decision should be arrived at by the House as to the procedure in such cases. I was under the impression that the rule which allows bills from the other House, for which no petition has been reported upon by the Standing Order Committee of this House, to be referred to the Standing Orders Committee at the first reading of the Bill, was applicable only to bills presented to the other branch of the legislature within the time limited by the rules of the House.

HON. MR. MILLER.—I think it is desirable that a course should not be followed which might throw some doubt upon the practice of the House, especially as one or two gentlemen who have bills in the position of this one have spoken to me on the question, and I have pointed out to them the course I have named, which is within their power to follow. My reason for drawing the attention of the House to the course of procedure in this case is that it should not be quoted as a precedent against our using a simpler form if any member should choose to take exception to it. The rule of the House is so sweeping that I do not think there is any doubt whatever as to the construction that is put upon it. It is the 56th rule and refers to all bills of a private character coming up here from the other House.

HON. MR. BOTSFORD.—There is no difficulty about it because the 53rd rule says that petitions for private bills, when received by the Senate, are to be taken into consideration, without special reference, by the Committee on Standing Orders. The moment a private bill is read the first time, it is the duty of the clerk to transmit it to the Committee on Standing Orders and private bills "in like manner"—in like manner to what?—without special reference. The clerk knows whether the Bill has been reported upon by the Standing Orders Committee, and the moment he ascertains that it has not been so reported on he sends it to that Committee.

HON. MR. MILLER—I differ from the hon. gentleman in his construction of the rule that a private bill as a matter of course goes to the committee; that course can only be pursued by a motion made in the House by some member.

HON. MR. BOTSFORD—It says "without reference."

HON. MR. MILLER—The fact of the provision being in the rule for sending the bill to the Standing Orders Committee after the first reading does not dispense with the motion, because nothing can be done in this House except on a motion.

HON. MR. BOTSFORD—If the hon. gentleman looks at the rule he will find that the construction I put upon it is clear and distinct. The 56th rule ought to follow the 53rd, as these words apply to the previous rule, that all private bills from the House of Commons not being based upon a petition which has already been reported upon by the Committee "shall be first taken into consideration and reported upon by the said Committee in like manner." What like manner? After being read the first time it should go before the Committee on Standing Orders and Private Bills without special reference.

HON. MR. MILLER—It does not say that the Bill shall go to the Standing Orders Committee "in like manner," but it says that it shall be reported on "in like manner"; that is a very material and important distinction. The Bill does not go to the committe "in like manner" as a petition, but it shall be reported on in like manner when it is before the committee, after being referred to them on motion here.

HON. MR. BELLEROSE—The question has been decided in committee before now, that a bill should not go as a matter of course, but that it should be referred.

The motion was agreed to.

THE PRINTING OF PARLIAMENT.

SIXTH REPORT OF THE JOINT COMMITTEE.

HON. MR. SIMPSON moved the adoption of the sixth report of the Joint Committee of both Houses on the printing of Parliament. He said: This report differs from some others that we have presented; at the close of it we

make a recommendation. We find that we are not furnished with that accommodation which we require for the storage of our printed matter, and for the general working of the Distribution Department. Last year we called the attention of the Minister of Public Works to the subject, and he promised to remedy the difficulty, but the necessary steps have not been taken yet to furnish the space required. We think the Government should give us an opportunity of doing the work as efficiently as it has been done in the past. A large portion of the printed documents are now stored in the vault, where, in order to get at them you have to stoop—I may say, crawl. It is not a proper place for those documents. Mr. White, of Cardwell, called the attention of the Lower House to the subject yesterday, and I understand that the Minister of Public Works has agreed to see that the matter is put right during the recess. At my suggesstion he recommended that our Hon. Speaker and the Speaker of the other House should take the matter in hand. I have more confidence in them than I have, perhaps, in the promise of a Minister. We are informed that there are rooms at both ends of this building occupied by persons who have no right to them, and who do not use them for the public service. We do not like to put them out; in fact we have no right to do so.

We understand also that there is a complaint from British Columbia that the public documents are not fairly distributed there. There must be some mistake about it. We have sent full supplies of the documents that are usually distributed, to that region, as well as to other parts of the Dominion.

We recommend the printing of certain documents, and there are others that we do not consider worthy of publication.

HON. SIR ALEX. CAMPBELL—I noticed that in the other House the Hon. Minister of Public Works stated he would give his best attention to this recommendation during vacation and the only action necessary in this House is to ask the Hon. Speaker to join Speaker of the other House, and the Minister of Public Works in carrying out the recommendation, which I am sure His Honor will be very glad to do.

HON. MR. MILLER.—The clause of the report to which attention has been called is as follows:—

> The attention of the Committee having been drawn to the necessity for providing more accommodation for the proper working of the Distribution Office, and finding on enquiry that there is no available vacant space which could be utilized for that purpose, would respectfully recommend that during the Recess, the Speakers of both Houses should be requested, in concert with the Department of Public Works, to make such re-arrangement of the Rooms under their respective control (and adding thereto if possible) as would tend to facilitate the public business by giving the necessary accomodation. More suitable storage room is also required for the printing paper, and also for the safe-keeping of the printed sheets of the Departmental Reports and of the Official Debates, until completed and ready to be placed in the Binder's hands.

Now if this is intended simply as a power to the Speakers of both Houses to provide some better accommodation for the Printing Committee, and the subordinates of that branch, I have no objection to it, but I wish it to be distinctly understood that it is confined to that, and extends no further. We know that a feeling exists in another quarter towards this body, which is anything but desirable, and that there is a disposition to encroach upon our privileges and our space, and our conveniences at this end of the building, wherever it can be done. I gather also from the discussion that took place in the other House when this report was considered there, that it was hailed with satisfaction that there would be a redistribution of the rooms. I, for one, should be disposed to prevent any infringement upon the rights of this House by the other Chamber, and I should be disinclined to invest anyone with authority to interfere with the allotment of the rooms as at present divided, unless the change is subjected hereafter to the approval of the Senate. We know how we are regarded in certain quarters, and how little courtesy is shown to us; we know that on the contrary whenever an opportunity is presented, how some individuals are ready to sneer and snarl at us. Vigilance, even in trifling matters, is the price we have to pay for the security of our privileges, and we should not permit any infringements upon the undoubted rights of this House. I think it is a pity that we have not asserted our rights,

in some instances, more firmly than we have done in the past, because our privileges are based upon the firm foundation of the Constitution, and Government or Opposition have no power to interfere with them, and it is therefore well that we should on the present occasion give some expression of our determination to stand by those rights. Resistance to encroachments in these small matters is necessary if we wish to resist more important encroachments, and I glean from the discussion which has taken place elsewhere that there is an expectation that our space will be encroached on for the accomodation of the House of Commons. I do not think this House will consent to anything of the kind. If more space is required there the Government can put another story on the building, or get additional accommodation in any other way. We have heard it stated that we should not have a news room to ourselves, and that we might have one Post Office for both Houses. All these little things show the drift of opinion in another quarter, and the necessity for us to resist at the first attempt on the part of the other House any encroachments upon our privileges. I therefore wish to enter my protest against any authority being given to anyone to curtail in any degree the privileges of this House without the consent and approbation of the Senate being afterwards obtained.

HON. SIR ALEX. CAMPBELL—I do not think there is any reason to apprehend any encroachments upon our privileges, because the recommendation of the Committee is apparently designed to give both Houses an equal voice in this matter. The Committee is to consist of the Speakers of both Houses, and the executive officer of the Department of Public Works who will carry out the recommendation.

HON. Mr. MILLER—That gives them two to one.

HON. SIR ALEX. CAMPBELL—I do not think so; unless the Committee are unamious nothing will be done. I am confident that no step will be taken by that Committee without the assent of the Speaker of this House, and I am quite sure that he will sanction nothing that would be considered an encroachment upon our rights or an infringement of our privileges.

HON. MR. OGILVIE—As a member of the Printing Committee, I was present when the discussion on this matter took place, and I really do not think that there is the slightest intention in any way to encroach upon the privileges of the Senate. It was very clearly and plainly shown that certain records and papers were being stored in a way that rendered it difficult to find them, and that there were rooms unnecessarily occupied by the employes of the House that could just as well be used for the storage of those records. At present they are put in a place where they are near the steam pipes and are being ruined.

HON. MR. MILLER—I did not say that the Committee had any intention to encroach on our privileges; I alluded to what had taken place elsewhere when the report came up for consideration. From the tone of the discussion on that occasion it was evidently the intention, under authority of this report (and we know how an authority given in this indefinite way can be stretched) to take away a portion of the space allotted to members of this House, and it is to prevent anything of the kind that I give this note of warning in time so that it will not be said in the future that we sanctioned by our silence infringements on our privileges. It is in order to save future trouble—to explain that it is not to be inferred from the adoption of this report that we consent to any encroachment on our space—that I have made these remarks to-day.

HON. MR. ALEXANDER—It is very undesirable that any expressions should fall from members of the Senate which would tend to disturb the harmony and good feeling which exist between the two Houses; but I do think that the warning which has been uttered by the hon. member from Richmond is timely. No arrangement should be made for the appropriation of rooms belonging to the Senate without our sanction and approval. I am quite sure that this House concurs in all that the hon. member from Richmond has said.

HON. MR. SIMPSON—There is no

intention on the part of the Committee to encroach on the space or the privileges of the Senate. All that is asked is that our Speaker, in whom we have entire confidence, and the Speaker of the House of Commons shall make arrangements for the proper storage of the printed documents. I think we may very well leave the matter in their hands.

HON. MR. HAYTHORNE—For several years I have been a member of the Printing Committee, and have generally attended its meetings, but on the occasion referred to I was not present. During all the years I have been connected with that Committee, I have never seen a disposition on their part to encroach on our rights. It does seem to me that our privileges are much more interfered with by the lack of storage accommodation for our printed documents than they are likely to be by any encroachments on the part of the House of Commons.

HON. MR. BOTSFORD—I look upon this recommendation in the same light that the hon. member from Richmond does. I think it is desirable that we should know exactly what it means—whether the Senate shall have a voice in deciding upon the arrangements which are to be made so as to prevent any portion of our space being taken from us without our consent. I think that the observations which have been made by the hon. member are quite to the purpose and that if it is desirable to have an expression of opinion from members of the Senate on this point. I am free to admit that I do not believe a majority in the House of Commons are disposed to encroach on our privileges, but we cannot shut our ears or our eyes to the fact that some members of that body question certain privileges and powers which the Senate does undoubtedly possess. We are put upon our guard when we find influential members in the other Chamber making references to the Senate and our proceedings and the length of time which we devote to the public business. They are such as to call from us an expression of our opinion, whether we approve of such references or not, and of our determination to adhere to the privileges which we possess under the Constitution. It is clear that this part of the Parliament building, having been appropriated to the Senate, should be held intact, and without our sanction should not be interfered with in any way. I rely with great confidence on the course which His Honor the Speaker will take in this matter, but as has been remarked by the hon. member from Richmond, there are two members of the other House on this Committee, and only one of the Senate, and therefore it is just as well that we should have this expression of opinion, in order that the feeling of this House may be understood—that whatever arrangements may be made, must meet with the sanction of a majority in this Chamber.

HON. MR. KAULBACH—I think that the Committee in this report guards the rights of the Senate; and that they had no desire or intention to trespass upon them. Unless the Speakers of the two Houses agree upon some arrangement, nothing will be decided on. It was shown to us by the Committee that there were clerks who, with hardly any right to rooms at all, had sleeping apartments in this Building, and, I believe, reference was made to the House of Commons rather than to the Senate when that fact was mentioned. Attention having been drawn to the subject, I am quite sure that such a gross misappropriation of the property of Parliament will be prevented in future.

HON. MR. READ—Anyone who heard the discussion which took place in another quarter must have observed that there are some leading members of that body who seem to consider that it would be necessary to appropriate a certain portion of the space allotted to this branch of Parliament. I think they referred even to taking our reading room. Of course we cannot help those discussions taking place; but it is our duty to prevent innovations and protect our rights and privileges. There have been other criticisms which, perhaps, at another time will be referred to, with regard to other matters here.

HON. MR. VIDAL—It seems to me there is some misapprehension as to the character of this committee. As I understand it, the committee is to consist of but two persons, the Speakers of the two Houses. The Department of Public Works does not mean a third person. It

is only through that Department that changes can be made.

HON. MR. PLUMB—I doubt whether any good purpose is served in referring to any opinions which may be held by individual members of the House of Commons. I am not aware of any utterances there which are of a character which should be taken hold of, or imply the slightest disrespect for or want of confidence in this body. Agitation of that kind in the public press could have been noted, but it will be in the knowledge of every gentleman who has looked at the political discussions during the last year or two, that nothing of the kind was ventured upon as part of the election programme of the last campaign. I believe that this body is quite capable of vindicating itself by its actions, without showing any supersensitiveness in respect to what may be the casual utterances of people outside, and I think its dignity is best preserved by taking no possible notice of anything of that kind. So far as my short acquaintance with the Senate is concerned, I must say that my respect for it—which was large enough in the beginning—has increased every day: I have found that it has been quite abreast with everything it has been called upon to do, and if its sessions have not been protracted, it has been from the fact that its business was despatched, without any long or unnecessary discussions, in its committees. I fully believe it is entirely abreast with the work of the other House. I think that is the kind of impression which the country will receive, and which will be more important to this body than any possible attempt, by discussion, to vindicate its position or its usefulness. I doubt whether there would be any attempt to encroach upon its rights or privileges. During my long connection with the other House I never heard one serious proposition in any way to limit its powers. As is well known, a movement in that direction took place in 1875, and there is no harm now in referring to it. It is on record that it did not meet with the approval of either side, and I do not think there has been, since that time, any serious attempt to interfere with this House, or to discuss the curtailment of its rights and privileges, or any menace which would look like affecting the principles upon which is founded the constitution of this body—which I consider one of the most important elements in the constitution which has formed this Dominion. I say that I do not think any serious attempt has been made since that first and unsuccessful effort, nor do I believe such an attempt is likely to be made with any general application, except, perhaps, by some demagogue who wishes to gain some temporary—some circumscribed—popularity, by introducing such a motion; and even such an attempt will hardly be made if we are true to ourselves.

THE SPEAKER—I am very glad to hear the expression of the opinion of the House upon those portions of this report in which I am concerned, but the duty imposed upon the Speakers is undoubtedly a difficult one, because it is admitted that there is no available space. Yet the Speakers are asked to see, during the recess, in concert with the Department of Public Works, what re-arrangement of the rooms under their respective control may be possible. Well, that of course is an infringement to some extent on the rooms, as it involves a change in the use that has been made of them. I am quite ready to act to the best of my ability in carrying out the wishes of the House, but I see that difficulty in doing what the Committee asks of us, without making some decided and disturbing change in the present rooms—at least that is my first impression, but I shall not pre-judge it, and shall endeavor, as far as possible, to give effect to the wishes of the majority of the House. I think, however, it might have been better if a committee had been appointed in this House, with instructions to report whether it is possible to set apart some of the rooms which are now used for other purposes, and to devote them to the object desired here—for storage purposes. It has been tried before: a similar attempt was made before, during the short time that I was Speaker, and we gave up then all the space it was thought could be spared; therefore I am at a loss to know where additional space can be had, unless, as is suggested here, an addition be made to the building. I take it that is what is meant, but it is not for the Speaker of this or the other House to incur any responsibility in that direction,

HON. MR. SIMPSON—I think it is the wish of the Committee that space should be obtained in the attic, and I believe the Government, or some members of it, are disposed to utilise the very large amount of space that is now vacant there and to fit it for the purpose which is now desired. I merely suggest that to the House and to His Honor the Speaker as one means that we think can be adopted to supply us with all the space, or more than the space we require.

The moton was agreed to.

THE SEDUCTION BILL.

MOTION.

HON. SIR ALEX. CAMPBELL moved the adoption of the report of the select committee to whom was referred Bill (13), "An Act to provide for the Punishment of Seduction and Like Offences."

He said:—I beg to move the adoption of this report, and in doing so I do not desire to go again into a discussion of the subject matter to which it relates, but simply to state on behalf of the Committee that after talking the subject over, and viewing the history of it, and the prospect of legislation upon kindred subjects which may possibly occur during the next session of Parliament, at the hands of the Government — the Committee of the Whole thought that there was no urgency for the Bill and that it would be desirable and would tend to legislation which would on the whole be more satisfactory, if the consideration of the subject matter of the Bill was postponed for the present session. In that belief the report which is now upon the table was adopted. I beg to move the concurrence of the House in the report.

HON. MR. POWER.—I do not propose to divide the House on the matter, but wish to make a few remarks on the motion of the Hon. Minister of Justice, which I propose shall be carried on division. For my own part, I regret very much that the Committee did not think proper to report the Bill, instead of recommending that it be deferred. I do not think the Bill as it came to us was perfect; but I fail to see that that fact warrants the action of the Committee, and I think they might have devoted some of the leisure time which the members of this House have on their hands, to making it a more perfect measure. If it was not quite a perfect measure when it passed this House, after having been dealt with by that Committee, it could very easily be amended at a future session, for our laws are not like those of the Medes or Persians, and it is very easy to alter a law which does its work inefficiently. There is one unsatisfactory feature, to my mind, about the action of this House. After the other House had, in two separate sessions, considered this matter very carefully, and when we find the Commons though differently constituted, adopting a similar view on a subject of this sort on two occasions, I think it might be taken for granted that they represented the feeling of the majority of the electorate—particularly as the matter is not in any sense a party question; therefore it is to be regretted that this House should have opposed itself to what is undoubtedly the popular feeling throughout the country on this subject. I think there were two grounds which were taken by the hon. Minister of Justice against our passing the Bill. One was that it was a crude measure, and had not been carefully prepared: but that has already been sufficiently dealt with. The other was that the morals of this country were so good that no measure of this sort was needed at all, Now it happened—I think on the very day, or the day after the minister made the statement—that I saw a paragraph in one of the Ottawa papers, which to my mind, contradicted the view of that hon. gentleman very decidedly. I find that some gentleman has been looking into the vital statistics of this country recently, and he finds—I shall just read from the paper—

HON. MR. BOTSFORD—What is the paper?

HON. MR. POWER—It is the Ottawa Free Press.

HON. MR. ALMON—That is the paper which stated yesterday that the majority of the Committee on the Nicholson affair had no doubt of the innocence of Mrs. Nicholson, is it not?

HON. MR. POWER—I do not think that the views of the editor of the paper on the Nicholson question have any

thing at all to do with the matter before the House. He has simply quoted statistics from another paper, from the Prescott *Messenger*. I presume the figures are correct, and I am going to state some other facts in support of this view.

HON. SIR ALEX. CAMPBELL—I do not think I said what you have just stated.

HON. MR. POWER—That was the substance of it.

HON. SIR ALEX. CAMPBELL—No, substantially it was this: that whatever the state of morals in this country might be I did not think it was demonstrated, or at all events that it had been proved there was necessity for the provisions contained in the Bill.

HON. MR. POWER—If the hon. gentleman will excuse me, he will find on reference to the official report that that was not the ground; the ground was that this country was a moral country, more moral than France, Germany or the United States.

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. POWER—And generally we were a moral people, and that our morals did not need much improvement. Now one fact is worth several statements, and the article to which I referred says: "It seems the number of illegitimate births is on the increase in Ontario. During the year there were 748, or 77 more than during the previous year, and to this number Carleton contributes more than any other county, or 20 per cent. of the whole. There were 1,268 births in this county in 1881, of which 144 were illegitimate, or one in every 9." I presume if the facts are questioned they can be verified. Further, I have been informed by a gentleman living in Ottawa, who is in a position to know, that, I think at one time, there were no less than forty foundlings from this district in one institution in Montreal.

HON. MR. DICKEY—At what time of the year?

HON. MR. POWER—I do not know that that has much to do with it. I think that all goes to show that the morals of this country are not so good as they should be, that they are deteriorating; and the point that I am coming to is this: that the action of the House is to be regretted because it will leave an impression upon the public mind that this House is not favorable to punishing immorality of that kind, and to diminishing it. I know very well that is not the feeling of the House, but the impression that will be created in the public mind will be of that character: and I think that is to be deeply regretted. At the same time, as far as I can gather, I think some of the gentlemen who voted in the Committee for the deferring of the measure did so with the understanding that, if the Bill came up another year in what they considered a more perfect form, they would probably be prepared to support it; and therefore I do not feel as badly for the Senate as I should have done if I thought there was no hope of the Bill passing next year.

HON. MR. MILLER—As a member of the committee, and one who voted for the report now on our table, I for one do not wish to be understood as being committed to anything like the views just mentioned by the hon. gentleman from Halifax, (Mr. Power). I think I was just as friendly in my remarks on the Bill, as any member of the committee, but I do not think the course which has been pursued by that hon. gentleman, and his friends in this matter has been altogether the wisest one. My hon. friend says the matter is not a party question; we all know that, but we found on the committee that all gentlemen holding similar views in politics to those of the senior member for Halifax, voted together in favor of the measure. Whether it is correct that this felling which the hon. gentleman describes will exist throughout the country with regard to this House, or not, I cannot say; but I can understand, then, the action of the hon. gentleman and his friends on the committee, if it was for the purpose of throwing all this odium upon the gentlemen who voted against the Bill. It may be—and I have no doubt it will be—attempted to make political capital out of this Bill, to make it operate against the Senate and in favor of one party in this House. I think, however, if anything of that kind is

attempted it will be very unfortunate for legislation of this kind, if it should ever come before us again. Now, with regard to the statistics quoted by the hon. gentleman from Halifax, as a cause for giving the Bill different treatment than it received from the committee, I do not think the argument has much force. In the first place we do not know what value is to be attached to those statistics; they are not authoritative, and at anyrate we do not know how many of these cases—what percentage of them—could come under the operation of this Bill, if it were to become law. Probably not fifty, not twenty per cent of those cases would come under the operation of the Bill—perhaps not more than five per cent, and therefore the argument has no weight at all,—I think it is well there should be a clear understanding with regard to the suggestion made by the hon. Minister of Justice. I do not, for one, understand that the Minister promised any legislation on this question.

HON. SIR ALEX. CAMPBELL.—No.

HON. MR. MILLER—But the Minister said it was probable that kindred legislation—legislation germane to this—would be submitted to the House when the criminal laws shall be consolidated, and that then would be a better time for considering this legislation. My chief reason for voting for this report was that I considered it was a very serious change in the social laws of the country, and one which was likely, to my mind, to very materially affect the social fabric of the Dominion, and that it should receive deliberate consideration. I must say that the hasty and ill-advised manner in which it has been attempted to be forced through Parliament was not in keeping with such an important measure. The Bill had to undergo many important amendments in the other House before it came to us, and the promoter in that House was willing that it should be further amended, and said so, so that the Bill cannot be considered as having been so very perfect when it was submitted to us. I felt in voting for the report that the Bill was one to which we should devote more time, and the country should have ample opportunity for discussing and digesting the measure, after which we would be in a better position next year, if it should be brought before us again, to give it our attention. I believed also that on the whole there was nothing to be lost by the delay. We had lived a long time without such a measure. and in England from which we take a great many of our models when legislating—I might say all our models in criminal legislation—there exists no such law. It was objected, when we ussd the same argument in the Committee, that we should not necessarily follow the example of England in this matter; I say we ought not to follow their example in everything, but it is well known to gentlemen connected with the subject that so far as criminal legislation is cencerned, we have almost taken it verbatim from the English statutes, with some very few alterations to meet the peculiar circumstances of our own country. Having got on very well hitherto without this legislation, it appeared to me there was no reason for pressing it now, and the same consideration led to the adoption of the report which is now before the House, by the majority of the Committee. I am perfectly willing to take my share of any odium which may fall upon the Senate in connection with this matter. I am, however, inclined to believe that the most mature minds in the country—those minds in my estimation most deserving of respect—will approve of the action of this House; and we have little to fear from the judgment which such men will pass upon our conduct.

HON. MR. ALLAN—The hon. gentleman from Richmond said just now that this Bill as it came before the Senate in the first place was not in a very perfect shape, and I think most hon. gentlemen will agree with him upon that point; in fact it was in such a form that it could not have been expected this House would have passed it. At the same time I felt very strongly that the subject was one of great importance and that it should receive every attention and consideration from the House; and, if I understand the letter, at anyrate, of the speech which was delivered by the hon. Minister of Justice when the second reading of the Bill was moved in this House—and he will forgive me if I say that it was an admirable speech upon the question—I gathered from it that he was

by no means disposed to detract in any way from the importance of the subject matter of the Bill, but rather that it was one which ought to be carefully considered by this House. He was not disposed to treat it in the way that I think some few members of the House were rather inclined to do—that was, to give it the six months hoist at once, without any further consideration. I was in hopes, when upon his suggestion the Bill was sent to a very large special committee that that committee might possibly, after due deliberation, have presented to the House such a Bill as would be generally acceptable to the Senate. For my own part, I regret that they have not been able to do so, but of course not having been a member of the Committee or knowing anything of what may have taken place there I do not know what motives induced them to come to the decision not to present the Bill this session further than what has been stated by the Min. of Justice. But coupling the tone and spirit of his speech on the second reading with what he has said just now, I was rather disposed to hope myself that the House might draw the inference from it that something would be done at the next Session of Parliament, and that the matter was really postponed for the present only. As I understand it now, the hon. gentleman says that the report of the Committee is not to be understood in that sense; that possibly if there is other legislation brought up in Parliament which is in any way germane to this, that then this matter may be properly taken up. I had hoped that the intention was that at the next Session this matter would be reconsidered, and that some Bill such as would be generally acceptable would possibly be submitted to Parliament. I do not think that any reflecting man can say that the present state of the law is in all respects satisfactory. There is great room for improvement, and for legislation, which, I think would be hailed with satisfaction by the great majority of the people of this country. I do not at all agree with what has been said about the Bill being, as it is now, generally popular or generally acceptable because I think most certainly it is not; but I do very earnestly hope that, if this report is adopted, we may look forward to some legislation on the part of the Government at the next session of Parliament in reference to this very subject.

HON. MR. ALMON—We are all very much obliged to the senior member for Halifax for those valuable suggestions with which he has favored us; but I think there is one omission. This Bill pointed out that schoolmasters were particularly guilty in the matter of the seduction of females under their charge; and I think it would have been well if that hon. gentleman had ascertained whether that one in nine mentioned in the article which he read was chargeable to the schoolmasters. If the schoolmasters have no more to do with that than others, then I think there was no reason why they should have been singled out as a class, under the Bill, and penalties imposed upon them, more than upon any other.

HON. MR. PELLETIER—Being one of the members of the committee who voted against the postponement of the Bill, I beg to give the reason that prompted me to do so; but in the meantime, I wish to protest in as friendly a way as possible against the imputation made by the hon. member from Richmond, that the vote in that committee was a party vote. It is true I voted against the postponement of the Bill, though I was very much opposed to the measure in itself, but like my hon. friend on my left, I thought that the Bill, though objectionable in many particulars, and susceptible of many improvements, might have been dealt with in such a way by the committee as to result in a more perfect measure being presented for adoption. I did vote against the postponement of the Bill because the motion to that effect was made immediately upon the question being taken up. No consideration was given to the Bill, and I thought it was unfair to the promoter of the measure to pass it over in that way; therefore I objected to the report which is now before the House. My impression at the time was that the Bill could have been reported with two clauses that might, perhaps, have been accepted by the House. Though I bow to the decision of the majority on the Committee, I must again object to the imputation of the hon. gentleman behind me, that the vote in Committee was a party one.

HON. MR. MILLER—I certainly did not mean to allude to my hon. friend.

HON. MR. PELLETIER—I was one at all events.

HON. MR. MILLER—I believed my hon. friend was in favor of such a very insignificant portion of the Bill that I had to count him as one of its opponents. I do not think the hon. gentleman has a right to charge other members of the committee with his own neglect, and if he was opposed, as I think he was, to the first and second clauses there was really but little else left in the Bill. Now why did my hon. friend not move in amendment to the motion to defer the Bill that the first clause should be struck out, and then that the second clause be struck out? He could have prevented the action of the committee, of which he now complains. I do not think it is fair to make complaint at this stage when the hon. gentleman could have made in committee the very objection he now urges.

HON. MR. PELLETIER—I do not wish to complain at all against the action of the Committee, and I rise only to say that the vote which I gave there was not given because my political friends voted in the same way, but simply because my own judgment induced me to do so.

HON. MR. MILLER—I did not charge the hon. gentleman with that.

HON. SIR ALEX. CAMPBELL.—The promoters of the Bill—after some consultation with the hon. gentleman from Halifax—thought apparently that unless we reported the whole of the Bill, there was no object in reporting the two clauses in which there was a general disposition to concur; and therefore, the consideration of that plan passed by. I desire to say that I do not depart at all from anything I said the other day with reference to this measure. I did not then make any distinct pledge on behalf of the Government with reference to legislation on this subject, nor can I do so now. I said with reference to the criminal laws generally, that I hoped next session to introduce legislation, if I happened to be Minister of Justice at that time, and then a proper and convenient opportunity would be afforded to those who are interested in this subject to endeavor to improve whatever legislation might be presented to them. That was the view I was obliged to hold in committee.

HON MR. POWER—As the hon. gentleman from Richmond said he did not refer to my hon. friend from Grandville as having being actuated by party motives, I presume the reference must have been to myself. I can only say that if the hon. gentleman from Richmond is able to see any hidden party motive in connection with this matter, he possesses a wonderfully keen vision with respect to that sort of thing. The vote in the Committee was not a party vote; and in the House of Commons, where two-thirds of the members are Conservatives, everyone knows that this Bill was passed by a considerable majority; so that any talk of its being a party measure is out of the question.

HON. MR. MILLER.—I did not say it was a party measure; I was referring to the action of certain members of the Committee.

The motion was agreed to.

BILLS INTRODUCED.

Bill (44) "An Act to Incorporate the Grange Trust (limited). (Mr. Plumb.)

Bill (88) An Act to unite the Winnipeg and Hudson Bay Railway and Steamship Company, and the Nelson Valley Railway and Steamship Company into one Corporation under the name of the Winnipeg and Hudson Bay Railway and Steamship Company." (Mr. Plumb.)

Bill (89), "An Act respecting certificates to masters and mates of inland and coasting ships." (Sir Alex. Campbell.)

Bill (74), "An Act to Incorporate the Saskatchewan and North-Western Railway Company." (Mr. Sutherland.)

The Senate adjourned at 5 p. m.

THE SENATE.

Ottawa, Thursday, April 26th, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

INDEPENDENCE OF PARLIAMENT.

INQUIRY.

HON. MR. BELLEROSE rose to enquire whether it is intention of the Government to bring in a Bill to amend the laws of the Dominion, so as to change them by removing parts of such laws by which two members of this Parliament are said to be unable to attend the sittings of their respective Houses;

Or, in case the Government have no such intention; whether they intend adding or have added to any other Bill, which may come before Parliament during this session, any clause or clauses to the same effect?

He said: The reason which was induced me to put such a question to the Government is that I am convinced that the rumors which are circulated, not only in Ottawa, but in Montreal, and still more in Quebec, are working injuriously to the best interests of this country. These rumors cannot be true, and therefore it is better to give them the lie, a thing the Government alone can do.

The rumors are to the effect that there are two hon. gentlemen who cannot take their seats under the law without great damage to themselves, and that one of these two gentlemen has, through the influence of some of his friends, obtained a promise from the right hon. gentleman at the head of the Government that the law would be so amended as to meet their case, but that this would not be done at present, and that they would have to wait until the end of the session when members hurrying away would leave both Houses comparatively empty. It is also stated in some circles that one of these gentlemen, wishing to acknowledge the favor to be conferred on him by his public adversaries, has promised to use all his influence to stop the contested election of an adversary in Quebec. Such are the rumors, which I am sure no hon. member of this House would for a moment believe to be true, but which show the progress made by our people in this direction, of late years. No one would have thought some years ago of insinuating anything of the kind against one of our leaders. But so many bad examples have been set to the people by some of our public men, so many intrigues have been discovered that have almost brought ruin on the Province of Quebec, that the people have lost confidence in public men, and unless some remedy is applied to the evil it will work mischief to the Dominion. Laboring under this conviction, and believing that the constitution of the Dominion has never contemplated such an act, I feel it my duty to put the question to the leader of the Government in order that he may have an opportunity of publicly denying these rumors, which are so predjudicial to the interests of the Dominion.

HON. SIR ALEX. CAMPBELL—I cannot give my hon. friend any answer to this question. I did not know what this rumor was to which this question refers, and was very much puzzled by it, and really, after reading it once or twice, I did not understand to what the question pointed. The hon. gentleman now says in very general phrase what it points to, but does not mention any names, and I am still at a loss to understand it exactly. If the hon. gentleman will explain more particularly to what he refers I will endeavor to procure an answer, but so far I am not able to give him any.

HON. MR. BELLEROSE—Does the Government intend to amend the law relating to the independence of Parliament.

HON. SIR ALEX. CAMPBELL—I will enquire of my colleagues whether it is the intention to amend the Independence of Parliament Act, and give the hon. gentleman an answer to,morrow.

GRAFTON HARBOR COMPANY'S BILL.

RESTORED TO THE ORDER PAPER.

HON. MR. FLINT moved that Bill (42)

"An Act to amend and continue in force the Act incorporating the Grafton Harbor Company, and for other purposes," be restored to the order paper. When the Bill came up from the Commons on the 16th of April there was no one to move the second reading.

The motion was agreed to, and the Bill was ordered to be read the second time on Thursday next.

RAPID TELEGRAPH COMPANY'S BILL.

AMENDMENTS CONSIDERED.

The order of the day having been read: "Consideration of the Rapid Telegraph Company Incorporation Bill, as proposed to be amended by the Commitee on Railways, Telegraphs and Harbors."

HON. MR. CARVELL moved that the amendments be concurred in.

He said: The House will bear with me I hope while I make a few remarks in reference to the opposition which has been given to this Bill, its nature and extent, where it comes from, and the changes that have been made. The strongest and most determined opposition as far as I have been able to hear at this end of the chamber, has come from my hon. friend from Amherst, and I am not surprised that it should come from him, or that he should be opposed to the passing of this measure. It is quite in keeping with his course during the years that I have had the honor of a seat in this House; whenever any motion or matter came before us calculated to affect certain large interests in the telegraph business my hon. friend has always been consistent in so far as he has always opposed those changes, so that I would have been surprised had he not appeared on that side. Whether this opposition that my hon friend manifests is from a natural desire on his part to take the side of the strong against the weak, which desire has become chronic from long habit, or from any other cause, of course I am not prepared to say. The first great cry that has been raised against this Bill is that it interferes with vested rights. It may be that I do not understand the meaning of the term "vested rights." If it is to be understood that by "vested rights" is meant only such rights as the Parliament of Canada or any Provincial Legislature has given exclusively to any Company or corporation, then I understand it. If by "vested rights" it is intended to be understood that any company or corporation, be it railway, telegraph or steamboat, having been for any number of years the sole occupant of any particular territory they acquire vested rights that exclude others, then I do not understand the term. If the opposition to this Bill should succeed on the ground that no company, be it large or small, home or foreign, has any right to the use of any territory for telegraph purposes, simply because another company alone, or amalgamated companies, have up to this time used it, then I think the conclusion would be a very extraordinary one. If that is not what is meant by "vested rights" it must be the other—rights that have been granted by the Parliament of Canada, or by the legislature of some province before it entered the Union. If that is it, this company whose great interests are so warmly, so earnestly and so ably defended in this House have no such rights. They, on their part, may say they have such rights. If so, one must be right and the other wrong, and this is not the place to decide the question. If there is any question about it, the courts of the country are the tribunals before which to settle it, and in order that Parliament should not prejudice any rights that may possibly exist, this Bill provides fully (and if it is not full enough this House can amend it if they choose) that no exclusive rights now legally held by any company shall be interfered with by this measure, so that in that matter there is nothing to fear. The cry of vested rights amounts to nothing. Then we have another strong point of opposition raised, and that is the irregularities connected with this Bill up to the present time. This little measure, which is now but seven weeks old, has grown a good deal. It has improved; it has become vigorous, and therefore should not be looked down upon, but should rather be encouraged. The actual change made in the Bill is this:—whereas at first it was simply a Maritime bill, for the purpose of carrying on operations in the provinces of Nova Scotia, New Brunswick and Prince Edward Island, it was subsequently changed to a

bill giving the Company power to operate throughout Canada. The Bill in the first instance referred to one of many improvements and inventions and discoveries, which, in the rapid march of science in telegraphy, have come into use recently—more perhaps within the last few months than in years before. When the knowledge of this discovery came to the ears of those who were interested in this Bill the session had already commenced, the time was short, the Bill was hurriedly prepared, and after it was introduced we awoke to this fact, that with the right to telegraph only between the provinces of Prince Edward Island, Nova Scotia and New Brunswick, we were handicapped, we could not go beyond that area, because all the lines in existence were in the hands of one combination, and, therefore, it was felt that in the interest not only of the promoters, but in the interest of Canada, the powers of this company should be enlarged, and the committee so enlarged them. The notice was said to be short; in fact, there was no notice, but the suspension of the rule which requires notice is a matter of almost every day occurrence, and there are precedents for introducing and passing bills where the necessity for them is not so urgent or so great as for this, and where the benefit to Canada is not so great as I hope it will be from this measure. It has been done repeatedly, and, as I stated on a former occasion, when the Committee on Standing Orders consented to dispense with the notice, and to recommend the suspension of the rule, in accordance with their instructions I telegraphed to the one office from which is controlled all the telegraph interests in Canada, and that interest accepted the notice and appeared before the Committee. When this Bill was being discussed Hon. Mr. Abbott appeared there, as he informed the Committee, at the request of the Anglo-American Telegraph Company, and he made certain objections and certain suggestions some of which were entertained, and others were not. One of the great objections urged by my hon. friend from Amherst was that they had gone so far as to change the locality of the head office. Mr. Abbott, before the Committee, took a position, which I thought was a reasonable one. He said, "there is a question as to whether we have an exclusive right in Prince Edward Island or not. I do not want to argue that question, but we do not want our position prejudiced. If we have the right, then it seems to me to be irregular to give any other Company a head office in a territory from which they are excluded by our right." In reply I said to Mr. Abbott "If that will relieve you from the difficulty we will shunt the office from Charlottetown to Moncton," and he said: "That will remove to a great extent, my objection to the Bill." This is the state of the case so far as notice goes. The only telegraph interest in Canada accepted the notice; no other interest can be injured except that one, and when it appeared before the Committee of Parliament and accepted the changes that were there made, we now ask Parliament to grant an Act of incorporation to the Company, not for their exclusive use, not for their exclusive benefit, but in order that they may utilize these great improvements which I say have during the past few months been brought to light, by which the facilities for telegraphing will be increased, and the cost of it reduced to a very great extent. All these improvements and the profits derived from them are now dropping into the pockets of this telegraph combination which is rapidly being enriched at the expense of the country. Hon. gentlemen will understand that it is not easy with such experience as we have been able to acquire during the past few weeks to arrive at a minimum of the cost of telegraphing, but we can say that we do not want more than half the rate that the people of Canada now pay for the transmission of messages across the Straits of Northumberland. Whereas they have the right to charge 75 cents, and do charge 50 cents, we ask the right to charge a rate not beyond 25 cents. In other respects we ask nothing more than the other Company. I cannot say at a moment's notice how far we can go; but I ask the House to amend the Bill so that the rate to be charged between any two points in Canada shall not exceed 25 cents, including the crossing of the Straits of Northumberland, or any other strait or arm of the sea in Canada where the telegraph will reach or be extended to—that it shall not exceed 25 cents for twenty body words.

HON. MR. OGILVIE—For twenty words?

HON. MR. CARVELL—Yes: I speak advisedly. We are quite willing that Parliament shall bind us down so that we shall not exceed that rate; and if Parliament is prepared to ignore that fact, and to stamp out a Company who are willing to do this, and have the facilities to serve the people in this way and can do it, Parliament would be failing in its duty to the country. I have not lobbied for this Bill. I have never asked any hon. gentleman to say one word in favor of it; I have asked advice from one hon gentleman as to the mode of procedure. It has been stated by an hon. member of this House in the lobbies of the Senate, and in the lobbies of the other Chamber that this Bill was only sought from Parliament as a piece of merchandise—only obtained to be sold to somebody else. If that is a fair sort of opposition, then it is the most harmless opposition that can be given. This company means business; if this Act of Incorporation is granted, the company will be in operation (D.V.), before the next session of Parliament, and instead of 25cts. for 10 body words, the people will be paying for messages 25 cents for 20 body words, from any one point in Canada to any other point in Canada. The improvements in the mode of telegraphing are so great that the other day—within the last fortnight—one thousand words were transmitted from Chicago to New York, a distance of 1,000 miles, in one minute. That wire cost that Company $900, a mile: we can procure the wire to do the same work for $150. per mile, today. It was only last August that a paper was read before the British Association on the electric telephone and it was there stated by an eminent electrician that 20 miles was the maximum distance a telephone could be properly used. Now we have it asserted that 100 miles *under water* is quite practicable, and it may be used profitably. It seems to me to be a monstrous thing that Canada should be deprived of the benefits that arise from the rapid development and improvement of telegraphy and telephony. My hon. friend from Amherst, expressed a very strong desire to serve me, but I felt like crying aloud "save me from my friends!" He was anxious to support any Bill I might have if he could conscientiously do so, but he could not see that 25 cents. deducted from 75 cents, left anything but 75 cents. That is the argument he used. At present the Anglo-American Company, rightly or wrongly, have the privilege of charging up to 75 cents.; as a matter of fact they charge 50 cents. for crossing the straits. This Bill in my hon. friend's hands provides that not more than 25 cents. shall be charged for transmitting a message, yet the hon. gentleman could not see that there was a reduction. However, my hon. friend has a pretty bad case and if he did not do better it was less his fault than the fault of the case.

Then, the hon. gentleman from Alberton (Mr. Howlan) lifted up his voice and wept, or if he did not weep he certainly cried aloud in defence of the position which he had taken in reference to this matter, and said he would be less than a man if he were to sit there and allow this thing to be attacked and he not defend it. The pathos, the warmth and energy with which he spoke reminded me of the pathetic appeal to the woodman to "spare that tree." One hon. gentleman having said that he was associated with him when he went to New York, the hon. member from Alberton replied: "No, I can tell the hon gentleman I was the sole delegate on that occasion." By slightly changing the words of the song it might be made applicable to his case. He might say,

> "T' was this, my very hand
> That placed it near the spot,
> In youth it aided me
> And I'll forsake it not."

But more remarkable still is the opposition offered to this Bill by the hon. gentleman. He quoted, as he said, from the Act of 1854, which was said to have been revived under the new arrangement made by the Anglo-American Telegraph Company, when they had forfeited their original charter by lapse of time. The hon. gentleman from Alberton went to New York and made an arrangement, after which the Legislature of Prince Edward Island passed another Act which I have not been able to lay my hand upon. He quoted the other day, from the Act of the Island Legislature, 17 Vic., Cap. 4, Sec. 2. Now, it was said by my hon. friend from Amherst in the former debate on this subject that there were other interests beyond the one

at stake when this Bill was being discussed: that there were higher interests, and I quite agree with him. Important as this Bill is to Canada, still more important is it that the debates of this House should be conducted in good faith and with all possible fairness. The hon. gentleman quoted a part of this section; I will read it and the House will perhaps see why he did not quote the whole of it.

"The said corporation may establish, construct, purchase, hire, keep in order and work any line or lines of magnetic, electric, or other telegraph, or mean of telegraphic communication in any part of this island, or its dependencies, or places under its jurisdiction, or between any two or more points therein or between any point or points therein and any other island, province, country or place in or near the continent of America, or in or near the continent of Europe, or in the Atlantic ocean, and during the existence of the said corporation no other person or persons, body or bodies, politic or corporate, shall be permitted to extend, to enter upon, or touch any part of this island, or the coast thereof."

The hon. gentleman stopped at the words "the coast thereof," which in this book are followed by a comma. Now, I will read the balance of the sentence—

"or of the islands or places within the jurisdiction of the Government of this Island with any telegraphic cable, wire or other means of telegraphic communication from any other province, state, country, or place whatsoever beyond the Continent of America."

When I think of the sort of opposition that is being shown to this fair and reasonable Bill, I cannot help saying that the last part of that clause was specially called to the attention of the hon. gentleman a few days before he made that quotation. If his case requires such a course it must be a rather poor one. There is a good deal more I should say on this subject but I do not think it is necessary to occupy the time of the House any further. With the assistance of the Committee, and now I hope with the help of the House, we have changed the Bill from a Maritime to a Canadian one. At the request of the Anglo-American Telegraph Company Mr. Abbott appeared before the Committee and accepted the alterations. I am not sure but there was one more which he urged but could not get; but his language was that if this change of location of the head office were made it would to a great degree remove his opposition to the measure. We propose to give the people of Canada telegraphing at one-half rates, and we ask that the House shall now amend the Bill so that the charge may not exceed 25 cents for a message of twenty body words. You take from the Company the rates the Bill would give them, and substitute the word "twenty" for "ten" before "body words," and expunge the part which gives an extra rate for crossing the straits.

HON. MR. OGILVIE—In seconding this motion I have not done so without giving it serious consideration. Motions are sometimes seconded by gentlemen who do not pay a great deal of attention to them. Now I have carefully considered this question, and I paid a great deal of attention to the amalgamation that took place last year in what we used to be proud in Montreal to call the Montreal Telegraph Company, but which, alas! is swallowed up in a gulf from which I do not know that we will ever be able to resuscitate it. I would go, I think—I may be wrong—a little farther than the hon. gentleman from Prince Edward Island, who is the promoter of this Bill. There are certain statutes which are, by the way, very hard to be found now. I notice they are not in our library here, and they were not to be found in the library at Quebec. I do not know what has become of them, but perhaps the people of Prince Edward Island were rather fastidious about printing them.

HON. MR. HOWLAN—They were all in the library last winter.

HON. MR. OGILVIE—Well they are not then this winter, because I enquired about them, and could not get them. I would simply ask the question, if the legislature of Prince Edward Island before that Province entered the union gave to the Anglo-American, or any other company, a perpetual and exclusive right to the telegraphing there, is that right to exist forever? If it is a fact that such a right was given, I do not think that it should. The hon. member from Prince Edward Island says that no such right was given, but assuming that it was, are we to say that the Dominion of Canada has no power to over-ride that contract? It was a very stupid contract, to use mild language, for any legislature to make, to give

up the right of telegraphing forever to one company.

We hear a great deal about vested rights, and about the British freeman in his own home. When I was objecting the other day to some things that the promoters of a Railway Bill wanted, they spoke about the vested rights they had in Toronto on the Esplanade. I said "yes, it is very true that you have those rights, but vested rights have to make way for the public good." It was a railway man to whom I was speaking, and he replied: "how would you like if any man should come and take away one-half of your house?" I said, "if a railway company wanted to pass through my house they would simply pull it down and go through it without asking my consent." Is it possible that even if this exclusive right was given, the Parliament of Canada is not able in some way to permit other telegraph companies to construct lines through the Maritime Provinces? If so, it is a frightful state of affairs in these days of improvement in telegraphy. Such progress is being made in telegraphy that from one week to another, we hardly dream of what takes place, and it is perfectly frightful to think that we should be bound to pay such large prices for telegrams when we know perfectly well that messages can be transmitted for about one-fourth the cost. If the Local Government in Prince Edward Island gave those rights to the Anglo-American Company, I think the best thing for this Parliament to do is to take hold of the matter at once, indemnify those people and leave room for competition. We will have, there is no doubt, a system of telegraphy ere long very much the same as exists now in the mother country, where it saves letter writing to a great extent. If a man can send a telegram of 20 words it will very often obviate the necessity of sending a letter. We are getting to be a rather fast people in Canada. We live fast, and do everything quickly, and why should we not take advantage of every improvement of this kind? I do hope there will be no further opposition offered to this measure, for if ever there was a bill caculated to promote the public good it is beyond all question this one, and for that reason I second the motion.

We must do something to change the mode of telegraphy now existing. When we get through to British Columbia if we have to utilize the Western Union system we will find it very much as I found it when I was at a place within eighty miles of St. Joseph's, Missouri. I wanted to telegraph to a nephew of mine to meet me, and I sent a telegram within ten words, and had to pay 50 cents for it. Wherever the Western Union goes that is the system they pursue, and it is giving them about one dollar for every ten cents invested. The time will come—it may not be to-day—but it will come, just as surely as the sun rises, when the Government will have to do as the Imperial Government have done, and the Government of the United States will soon be forced to do, viz., take this telegraph business into their own hands altogether. At all events, hon. gentlemen, I do hope that this House will be patriotic enough to pass this Bill—notwithstanding the great inducements offered by the Anglo-American Company—patriotic enough, I say, to pass this Bill, and see if we cannot have a little opposition in the Maritime Provinces.

HON. MR. HOWLAN—It would seem strange if one who has been connected with the public affairs of Prince Edward Island for twenty years should oppose anything that would be in the interests of that Province. It seems paradoxical. If it was the intention of the promoters of this Bill to favor the people of Prince Edward Island, and to remove from them the load under which they labor regarding telegraphic matters, I think I may safely say that my voice in this House would not be raised against it. Now, what would be the proper course to have taken to remove that burden?

HON. MR. CARVELL—I have no desire to interrupt the hon. gentleman, but perhaps I did not express myself with sufficient clearness. I have just asked the House to amend the Bill now, so that a message from Prince Edward Island to any part of Canada should not cost more than 25 cents for twenty body words.

HON. MR. HOWLAN—That is not the question before the House. The question is concurrence in the report of the Committee and on that question I shall speak. The proper mode, in my

estimation, to have dealt with this subject would have been to call the attention of the Minister of Justice to the fact that there were doubts upon the public mind as to whether the Anglo-American Co., had any vested rights in Prince Edward Island. If the Minister of Justice had decided that they did possess such rights, then we should respect them. If, on the contrary, he decided that they had no rights, then it would be proper for the Government to have notified the President of that company that unless they lowered their terms for telegraphing to the rates which prevail in other parts of Canada, there would be legislation on the subject. That, in my estimation, would have been the proper course, and the best one in the interests of Prince Edward Island.

Now, what course has been pursued in this particular case? How has this Bill had its being? The petition which was presented to the Standing Orders Committee bears on its face no such request as asking for a telegraph company. It bears upon its face, as any hon. gentleman may see by reading it, that the intention was to utilize a new invention with regard to the electric telegraph, and bearing the same relation to it possibly as a new car coupling, or air brake does to the railway. Something new had been invented which would so cheapen telegraphy that it might be applied to every telegraph line throughout the length and breadth of Canada, and not only in Canada, but wherever there was a telegraph line in the world. The impression given to the Committee was thas this new invention was not going to interfere with the rights of any individual or company, but merely was to be in the interest of the public at large. It was on that understanding that rule 51, which requires notice to be given to the public, was dispensed with in order that this company might come in and be incorporated for the purpose of utilizing this invention for the benefit of the public. If that is not a fair conclusion it will be for hon. members to draw their own when I read this petition:

"To the Honorable the Senate of Canada, in Parliament assembled.

The petition of the undersigned respectfully showeth: That recently very important discoveries in electrical science have been made whereby great improvements have been effected in the mode, manner, means, speed and accuracy of transmitting signals by electricity, whereby the cost of such transmission can be greatly diminished:

That it would be in the public interest, and especially in the interests of the Maritime Provinces of the Dominion of Canada, that practical use should be made forthwith of such improvements:

That your petitioners are desirous of being incorporated in order to make use of such discoveries for the improvement of electrical communication between the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, and to establish a new system of electrical communication in the said Provinces and elsewhere:

Wherefore your petitioners pray that your Honorable Chamber will be pleased to pass an Act incorporating them and others,"—for what? "for the purposes aforesaid, under the name of the Canadian Rapid Telegraph Company, (limited)."

That was the petition which was submitted to the Standing Orders Committee. If it had been stated to that Committee in this Bill was for the purpose of incorporating a company with powers to build telegraph lines, and to lease telegraph lines from other companies, to lay cables, and for all other things that are now mentioned in the Bill, the chairman of the Committee would have at once called attention to the 51st rule which says:

"All applications for private Bills, properly the subjects of legislation by the Parliament of Canada, within the purview of the British North America Act, 1867, whether for the erection of a bridge, the making of a railroad, turnpike road, or telegraph line; the construction or improvement of a harbor, canal, lock, dam, or slide, or other like work, the granting of a right of ferry; the incorporation of any particular trade or calling, or of any banking or other joint stock company; or otherwise for granting to any individual or individuals, exclusive or particular rights or privileges whatever, or for doing any matter or thing which, in its opinion, would affect the rights or property of other parties, or relate to any particular class of the community; or for making any amendment of a like nature to any former Act—shall require a notice, clearly and distinctly specifying the nature and object of the application, to be published as follows, viz:—

In the Province of Quebec—A notice inserted in the Official Gazette, in the English and French languages, and in one newspaper in the English, and one paper in the French language, in the District affected, or in both languages, if there be but one paper; or if there be no paper published therein, then (in both languages) in the Official Gazette, and in a paper published in an adjoining District.

In any other Province—A notice inserted in the Official Gazette, and in one newspaper published in the County, or Union of

Counties affected, or if there be no paper published therein, then in a newspaper in the next nearest county in which a newspaper is published."

That was the way the Committee waived compliance with the rule, but as every hon. gentlemen knows the waiving of that particular rule did not forever bar an investigation into the matter. On the contrary it is the usual course, when a chairman is making a report, as he did in this particular case, to state the circumstances under which the matter was referred to the Committee. A recommendation was therefore made as follows: "your Committee, however, recommend the suspension of the 51st rule in each case, as it will be competent for the committee to whom the Bill shall be referred to provide that no injury to any party shall arise therefrom."

HON. MR. POWER—Hear, hear.

HON. MR. HOWLAN—My hon friend says, "hear, hear," but I may say that I think, if my hon. friend had known the actual purpose for which this incorporation was sought, he would not have suspended that rule, nor do I believe any other hon. gentleman would have done so. I am surprised that we have not in this House a record of the reasons why, in these particular cases, the rules are suspended. In the House of Commons they record the reasons which have led them to take such a course, and on referring to their minutes it is found that:

"Mr. Davies, M.P., for the applicants stated that the invention had been patented too recently to admit of the required notices being published, that it would be of great advantage to the Maritime Provinces, and especially to Prince Edward Island, and that the Company if incorporated would not interfere with and existing rights, as the invention could be used by all existing telegraph companies."

Now if that is not deception. I fail to understand what deception is; then we go a little bit further, and we find that when the Bill first came to us there were among the petitioners the following gentlemen:

Josiah Wood, M.P., of Sackville, N.B.; the Honorable Peter Mitchell, M.P., of Montreal; the Honorable J. S. Carvell, Senator, of Charlottetown, P. E. I.; John Ings, of Charlottetown; John S. Maclean, of Halifax, N. S.; the Honorable Samuel Prowse, of P. E. I.; P. J. Brown, Ingersoll, Ont.; L. H. Davies, M.P., Charlottetown, P. E. I.; John L. Harris, of Moncton, N. B. But out of the nine gentlemen as above who signed the Bill originally, there are only four now appearing on the Act before the House, viz: Messrs. Wood, Carvell, Davies, and Mitchell. Now I have tried to get several gentlemen to explain this wonderful invention to me, so far without success, and the only explanation—if it can really be called one—which has been afforded this House, is contained in the opening remark of the hon. gentleman from Charlottetown when he brought up the Bill for second reading. He spoke as follows:

"In moving the second reading of this Bill I do not know that it is necessary that I should say much about it further than to refer to a recent discovery in the means of telegraphic communication. This Bill proposes to incorporate a number of gentlemen with a view to utilizing that remarkable, and I trust, valuable, discovery, and in doing so it is sought to obtain also the powers of an ordinary telegraph company. The discovery to which I have referred is so remarkable as scarcely to be credited by an ordinary listener. I have seen an account of it in a journal published by the Society of Telegraph Engineers and Electricians, a copy of which came to my hands a few days ago. Mr. Priest, who I think, is the chief electrical engineer, having charge of the postal telegraph affairs in England, states: I recently tried an exceedingly interesting experiment between Southampton and the Isle of Wight, and succeeded in transmitting signals from one shore to the other, a distance of six miles, without any wire whatever. It is to utilize this discovery that the Bill is introduced, and I trust that it will meet with no opposition."

But there is really no explanation in all this, and when the Bill now before the House made its appearance, we discovered that it gave far different, and more extensive powers that were asked for in the original measure. Indeed it reminds me very much of an incident which is related in connection with the war of 1836, '37. A certain regiment in Canada went out as an infantry corps, but after an absence of some six weeks, they came back as cavalry. By examining the powers which are sought in the Bill, as it is now before the House, it will be noticed that they are very extensive, and embrace the whole Dominion in their scope; they are as follows:—

To establish, by any electrical means whatsoever, a system of telegraphic and telephonic communication between any place "in Canada."

To connect such system with any similar system established in any other Province of the Dominion of Canada.

If the consent of the Governor-General-in-Council be first obtained, to connect such system with any telegraph or telephone line in Canada.

To construct, purchase, lease, work or agree for the use of any land line of telegraph or telephone "in Canada."

I think it is my duty to bring to the notice of the House these great changes in the powers of this Company.

And what do we find that it all amounts to? Is there any amelioration in the condition of affairs with regard to Prince Edward Island in the measure now before the House? We have been told here, over and over again, that this is going to cheapen telegraphing on that Island, but I have taken the trouble to write to Mr. Bethune, the Superintendent of the Telegraph Company here, and asked him to give me the cost of a message from Ottawa to Sackville, and also to Prince Edward Island. His answer is to this effect:—"The charge for ten words to Sackville, N.B., is 25 cents." I may mention that there is no possible way of sending a message to Sackville, unless you go over the Western Union Company's line, and it is not to be supposed they will give a less rate to a rival company. The answer continues, "the charge for the same message to Charlottetown is 75 cents, or 50 cents from Sackville." Now the amendment to the Bill provides that the charge shall be 25 cents over the land line from Charlottetown to Cape Traverse, and 25 cents across the Straits, which is equal to 50 cents, and my hon. friend from Amherst was perfectly right in saying there is no alteration of it by this Bill; there is no amelioration of the difficulties under which Prince Edward Island suffers. According to this Bill, 50 cents only takes us across the Straits; from Cape Tormentine to Sackville there is another rate, and from Sackville west it is still another matter. If the Anglo-American Company had no monopoly in Prince Edward Island, and this Bill had passed in its original shape, we would have been in this position: the promoters of the Bill might have sold it to the Anglo-American Company, and that Company would have been in a position to charge that 75 cents as before; they would then be completely the masters of the situation.

HON. MR. KAULBACH—Can they not do it now?

HON. MR. HOWLAN—But this Bill was to remedy the existing state of affairs. If the Bill had suggested in the first instance, that this Company should make a tariff over the whole of Canada, of 25 cents a message, it would have had my support and not my opposition. Now, it has been stated that I have tried to misquote the Act, but I think the facts are plain to any hon. gentleman who will read the Bill. My hon. friend quoted poetry; well I have seen a great many different positions in my life but I never saw one when I tried to shelter myself under a telegraph post; but I will leave the hon. gentleman and his poetry. We have knocked the poetry out of the Bill by the examination which has been given to it; we have knocked the bottom out of it, for now it appears that twenty words can be sent through Canada for 25 cents. But there is another phase of this matter which has surprised me, and I have wondered at ever since I have been in the Senate: it is that hon. gentlemen advocate Bills in which they personally are particularly interested. Now I take it that such a practice is entirely opposed to the laws of Parliament. I find that the Act; 31 Vic., chap. 23 which is "Act Act to define the privileges, immunities and powers of the Senate and House of Commons, and to give summary protection to persons employed in the publications of Parliamentary papers," enacts as follows:

"The Senate and House of Commons respectively, and the members thereof respectively, shall hold, enjoy and exercise such and the like privileges, immunities and powers as, at the time of the British North America Act, 1867, were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof, so far as the same are consistent with and not repugnant to the said Act.

Such privileges, immunities and powers shall be deemed to be and shall be part of the general and public law of Canada, and it shall not be necessary to plead the same, but the same shall in all courts in Canada and by and before all Judges be taken notice of judicially.

Upon any inquiry touching the privileges, immunities and powers of the Senate and of the House of Commons or of any member thereof respectively, any copy of the journal of the Senate or House of Commons, printed or purported to be printed by the order of the Senate or House of Commons, shall be admitted as evidence of such journals by all courts, justices and others, without any

proof being given that such copy was so printed."

Now, I do not know that a member of the House of Commons of the United Kingdom has power to rise in his place in Parliament and advocate a measure in which he is himself directly interested, as I shall endeavor to prove to the House. It may be stated that this is the Senats and should be governed in the same way as the House of Lords in England, but even on that point I think I shall be able to convince the House it was scarcely ever known that a member of the House of Lords advocated in that House a measure in which he was personally interested. I am quite satisfied with regard to the House of Commons, as any gentleman must be who will take the trouble to turn up "May's Parliamentary Practice." I find it stated that—

"In 1796, a general resolution was proposed in the Lords, that no Peers shall vote who are interested in a question; but it was not adopted. It is presumed, however, that such a resolution was deemed unnecessary; and that it was held that the personal honor of a Peer will prevent him from forwarding his own pecuniary interests by his votes in Parliament. By Standing Orders, No. 178, the Lords are exempted from serving on the Committee on any Private Bill, wherein they shall have any interest.

In the Commons, it is a distinct rule that no member who has a direct pecuniary interest in a question shall be allowed to vote upon it; but in order to operate as a disqualification, this interest must be immediate and personal and not merely of a general or remote description."

Now I will try to show the House what the laws are that govern the House of Commons with regard to public bills, and then I shall take private bills. I read in the same authority:—

"On the 17th July 1811, the rule was thus explained by Mr. Speaker Abbot:—'This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of His Majesty's subjects, or on a matter of state policy.' This opinion was given upon a motion for disallowing the votes of the bank directors upon the gold coin bill, which was afterwards negatived without a division. No instance is to be found in the journals in which the vote of a member has been disallowed upon matters of public policy. On the 1st of June 1797, however, Mr. Manning submitted to the Speaker whether he might vote, consistent with the rules of the House, upon the proposition of Mr. Pitt, for granting compensation to the subscribers of the Loyalty Loan, he being himself a subscriber. The Speaker explained generally the rule of the House, and Mr. Manning declined to vote."

There was a question where a man had been a subscriber to a loan, well known as the Loyalty Loan, which the Government was about to make an appropriation to supplement; but so definite was the rule of the House of Commons that the member named was not allowed to vote. In another place, Mr. May writes as follows:

"On the 3rd of June, 1824, a division took place on a Bill for repealing so much of an Act 6 George I., as restrains any other corporations than those in the Act named, and any societies or partnerships, from effecting marine insurance, and lending money on bottomry. An objection was made to the numbers declared by the tellers, that certain members who voted with the ayes were personally interested in the passing of the Bill, as being concerned in the Alliance Insurance Company. But it was decided that they were not so interested, as to preclude their voting for the repeal of a public Act. On the 10th of July, 1844, on the question for hearing counsel against a Bill for suspending certain actions for penalties under the gaming laws objections were taken to the votes of members who were defendants, but one stated that it was not his intention to take advantage of the provision of the Bill, and plead the same in bar of such action; and the other that he had not been served with any process. Motions for disallowing their votes were therefore, withdrawn. On the 11th July, 1844, the vote of a member upon the second reading of a public Bill relating to railways, was objected to upon the grounds that he had a direct pecuniary interest as a proprietor of railroad shares but a motion for disallowing his vote was withdrawn. The votes of members interested in Private Bills have frequently been disallowed. On the 20th May, 1825, notice was taken that a member who had voted with the yeas on the report of the Leith Books Bill, had a direct pecuniary interest in passing the Bill. He was heard in his place; and having allowed that he had a pecuniary interest in passing the Bill; that on that account he had not voted in the Committee on the Bill: and that he had voted, in this interest, through inadvertance his vote was ordered to be disallowed."

Those are the rules of the British House of Commons, under which we act, and that are also observed in the House of Lords; therefore I say I was surprised at the inception of this Bill, and as I watched it carefully through; and now on the question of concurrence; if this question

had been allowed to go to a vote, and had been carried, the next motion would have been one for the third reading. But since this Bill was conceived I find that it has taken marching orders all over the Dominion of Canada: it comes in now and interferes with the rights of the Montreal Company, the Dominion Line, and a number of other Companies. The hon. gentleman who seconded this motion talks about a terrible monopoly, etc.; there is no question but that there are monopolies of all kinds abroad, and my hon. friend brought in a Bill yesterday to give a monopoly of some patent medicines to some particular company; it is admitted that monopolies will always exist. But the place of a legislator, in my opinion, is to look after the public interests, and not his own interests, to see that the rights even of individuals are not encroached upon, and not to use his position in this House for the purpose of furthering his own particular ends. Yet bills have been passing through this House day after day and have been advocated in the committees and in the senate, by members interested in them: for this reason, as well as for the other reasons I have given, I was determined to vote against this Bill from the very inception of it. Had it been introduced in a proper way, and had the terms been the same all over Canada, the measure would have received no opposition at my hands; but such a course was not adopted, and now, at the eleventh hour, we are told that the Company are ready for the Bill, and that there are great improvements being made though what they are, exactly, I do not know. I must confess while I gave the hon. mover of this Bill all ordinary credit for intelligence and information, I did not supppse he was an authority upon electrical science; I thought he was like the rest of us, but I did not know that he was able to draw from the clouds, as he drew from his imagination to-day, with regard to this matter. I have very grave doubts in my own mind if he has not been drawing from his imagination after all. If there is anything in this matter really in the interest of the public welfare, I ask are not each and all of the gentlemen who compose this Parliament as ready to assist in the furtherance of the general good as the hon. gentleman who comes from my Province? I think it would be a standing insult to this House, and every member of it if I were to say that it was not so; and if this be the case, and the hon. gentleman from Charlottetown has anything to bring before Parliament that is really in the interests of the people of Canada, why should he be afraid to give us his confidence, and explain the matter? But neither in the committee nor in this House during the various stages of this Bill, has any explanation been presented to us. I have here the printed declaration of the hon. gentleman, as it appears in our Debates, and there is no such explanation given. Then there is another point; is it to be considered that such Companies as the Western Union and the Anglo American Company have not watched this matter of electrical science, as well as the hon. gentleman and his friends have done? Or if there is anything in this particular patent, is it not likely that they have acquired a right to it? Further than that, it has been stated that this was patented a short time ago, and may it not be that we are robbing another gentleman of his rights in this patent? We have no information, and I repeat, that everything was so veiled in mystery that now at the last moment, and after this Bill has been investigated, we find that it is going to sweep all over Canada and that we will have no explanation and no justification—I find none at all events—that in voting for this measure we should not be interfering with other vested rights which we are bound in this House to respect.

HON. MR. POWER—I may be allowed, as quite a disinterested spectator, to say a few words on this matter. The hon. gentleman who has just sat down has objected very strongly to the hon. mover of this motion speaking or voting on the question, because he is interested. My own information may not be correct, but I have been given to understand that the hon. gentleman from Alberton (Mr. Howlan) although not interested in favor of this measure, has a personal and direct interest against it; so I think that possibly the rule should apply both ways.

HON. MR. HOWLAN—I say distinctly I am not interested in any way, and I make the statement publicly; I am not interested directly or indirectly.

HON. MR. POWER.—My informant was in error then, and I am very glad to hear it.

HON. MR. DICKEY—I hope that my hon. friend who has made the charge will explain why he makes such a charge against a member of this House.

HON. MR. POWER—I am not under cross-examination; I had heard the statement made, I repeated it in the proper place, where the hon. gentleman interested could contradict it; that hon. gentleman has contradicted it; I accept his statement, and if the hon. gentleman wishes it, I express my regret for having been led to believe that he was interested: I do not think anything more than that can be expected. There has been a sort of cloud, or mystery, thrown around a very simple matter. I happen to be a member of the Committee on Standing Orders and Private Bills, and it has also occurred that I have had a good deal to say to the hon. gentleman from Charlottetown, who has taken charge of this measure; consequently I know something of its history. I have not the slightest personal interest in the matter, good, bad or indifferent, except that, as one member of the public, I am anxious that so important a service as telegraphing should not be in the hands of a monopoly. Now the facts are these: the hon. gentleman from Charlottetown lives on the island of Prince Edward, and the people of that island, instead of paying 25 cents for a telegram, as we do on the mainland, have to pay 75 cents, and naturally enough they wish to be relieved from that unsatisfactory condition. The hon. gentleman from Charlottetown discovered that a new process had been invented for communicating by means of electricity across the water, for some considerable distance, at any rate, without the use of a wire. That hon. gentleman, at the time that he ascertained this fact, was under the impression that the Anglo-American Company had a monopoly—a legislative monopoly—of the right to communicate with Prince Edward Island by cable or by wire. Under these circumstances, the hon. gentleman had only one course open to him, and that was to get round the monopoly—the supposed monopoly of the Anglo-American Company—by using this new invention for transmitting messages across the Straits of Northumberland. I think that hon. gentleman deserves credit for the public spirit which he showed, immediately upon having learned of this invention, in undertaking to make it available for his fellow-provincials in Prince Edward Island and the other portions of the Dominion. I believe that instead of being subjected to abuse, he should receive praise. It appears that in company with other gentlemen, he formed an association for making use of this new invention in the way I have mentioned; and they are all gentlemen—or nearly all—well known to the public; members of this House and the House of Commons and other gentlemen of known character, in the Lower Provinces chiefly. Not having known of this invention at the time Parliament opened, these gentlemen could not make their petition early enough to have it within the rule, but they brought it in and it was referred to the Standing Orders Committee. The facts which I have ventured to state to the House being also stated to that Committee, the Committee thought that, as they very often suspended this rule with respect to individual cases, this was particularly a case where it should be suspended. The hon. gentleman from Alberton, has spoken of the suspension of this rule as though it were something very unusual—a very great favor to this Company; but I might remind him that within the last two days the same Committee have reported with respect to suspending the rule in the case of a Bill which has not been shown to be very necessary—I mean the Bill to assist the Canadian Pacific Railway Company and another Bill to enable the Grand Trunk Railway Company to extend their lease from 21 to 50 years. These are not matters which are very urgent, or in which the public are particularly interested, but the Committees of both Houses have reported in these cases in favor of suspending the rules. Therefore, it was not a very great favor to suspend the rule in the case of the Caompany we are now discussing The cause of the change in the character of the Bill is this, and it is what seemed most to ggravate the hon. gentleman from Alberton.

HON. MR. HOWLAN—I am not aggravated at all.

HON. MR. POWER.—For a gentleman who is not aggravated my hon. friend speaks with a great deal of vigor and energy and manifest excitement. Those gentlemen who applied for this Bill in its original form did so under the impression that a monopoly of telegraphy—cable or wire—across the Straits of Northumberland was vested in the Anglo American Company. The reason they thought that was, the friends of the Anglo American, and their solicitors, and the gentlemen who take a paternal or fraternal interest in their affairs, had publicly stated that on all occasions. The statute which was supposed to give those exclusive rights to the Anglo-American Company was not easily accessible. However these gentlemen were fortunate enough to come across a copy of the Act which was supposed to give a monopoly to the Anglo-American Company, and on examination of that Act it was found that it gave no such monopoly—at least that was the impression it made on the minds of the gentlemen who consulted it, and they then thought there was no reason why they should not take advantage of the knowledge they acquired; and there was this further reason why they should do so: the hon. gentleman from Charlottetown had introduced his first Bill without a great deal of consideration, and when he came to look at what the practical result would be even if he did get his bill, he found that while the company might get their messages across the Straits of Northumberland they would be met on both sides of the Strait by the monopoly, and if they had no further powers than those asked for in the original petition and Bill, the charter would be practically useless, because they could only communicate across the Straits and could not forward their messages on either side on land. Naturally enough then they came before the Railway Committee; they did not make any mystery of what they wanted and why they wanted it, or how they came to wish to have their bill altered. The promoters made their statement before the Committe. The the Bill was considered, and the Committee decided that those gentlemen should have their Bill in the form usually adopted for incorporating telegraph companies, combining with that right the right to use this new invention. It has been stated to the House that it is unusual, improper and very objectionable to incorporate another telegraph company. I have not been in this House a very long time, but I have seen three or four electric telegraph companies incorporated here for the purpose of doing business in all parts of Canada, and I have never heard the right of any number of gentlemen to ask for and obtain such a charter questioned before. It is in the interest of the public that there should be competition in telegraphing and no longer ago than last session we incorporated the Mutual Telegraph Company. Nobody ever thought of getting up and objecting to it on the ground that we had telegraph companies enough, or that this company were likely to sell out to another, and I fail to see why the gentlemen who are applying for this Act of incorporation should be dealt with differently from other persons. I may say that any changes made by the Railway Committee, in dealing with this Bill were introduced in the interest of the public. They limited the rates to be charged by this company; and to-day the gentleman who represents the promoters of the Bill in this House comes forward and says: "Not only shall we charge no more than 25 cents for messages over the lines of this Company and 25cts. for sending them across the Straits, but that charge shall be for messages of 20 words all over the lines of the Company." These gentlemen who are asking for this charter, are offering one of the greatest boons that has ever been offered to the public, and it seems to me that, even if there were a slight infringement on vested rights, or some irregularity in the way the Bill comes before the House, we have a right to deal with it as conferring a public benefit, and we should be derelict in our duty to the country, which is a more solemn duty than the duty we owe to the Anglo-American or any other Company, if we failed to pass this Bill. The hon. gentleman from Alberton, probably feeling that these considerations would have a great deal of weight with the majority of the members of this House, tried to find a method of escaping out of the difficulty, and suggested that the proper course to adopt in this case, was to have gone to the Minister of Justice, and to have asked him to report as to whether there were any private rights infringed by this charter?

HON. MR. HOWLAN—No.

HON. MR. POWER—What did the hon. gentleman say?

HON. MR. HOWLAN—I said that if it was in the interest of the people of Prince Edward Island that this legislation should be granted, the proper course, in my opinion, was to call the attention of the Minister of Justice to the fact, and ask him to report if the Anglo-American Company had any monopoly in Prince Edward Island, and if they had no monopoly, to inform them that unless they were prepared to lower their tariff, other charters would be granted.

HON. MR. POWER—If this Bill assumed to give these rights absolutely to the corporation I could see the force of the position taken by the hon. gentleman; but I wish to call the attention of the House, and of the Minister of Justice in particular, to the fact that this Bill contains the fullest reservation of any existing rights. The third clause of the Bill provides that:—

"Nothing herein shall be construed so as to interfere with any exclusive right now possessed by any existing telegraph or cable company."

If the Anglo-American Company have any exclusive rights they are protected by that clause.

HON. MR. HOWLAN—It was not in the first Bill.

HON. MR. POWER—We are not now dealing with the first Bill; we are dealing with the Bill before the House—Even in the original Bill the 3rd clause provides that:

"Nothing herein shall be construed so as to interfere with any exclusive right of laying or working electric telegraph cables that may now be possessed by any existing telegraph Company."

The reason why the clause was so worded is obvious, because at that time the Company were only going to send messages across the Straits of Northumberland, and they could only interfere with the rights of the Cable Company, but now when they propose to do a general telegraph business, the language has been changed to meet the case. It has been contended that that there was not sufficient notice of this Bill. The Bill was introduced and read the first time on the 13th of March. It was ordered for second reading on the 20th, but I do not think it was read as early as that. The promoters of the Bill gave notice to the only parties who are interested, and the only object of our rule is that the parties whose interests may be affected by any private Bill may have an opportunity to come before Parliament and oppose the Bill or insist on such amendments being made in it as are necessary to protect their rights. When this Bill was before the committee it was subjected to the criticisms of the Solicitor of the Western Union and the Anglo-American Company. When the reason of the rule ceases, the rule itself, ceases, and here there is no object in giving the notice, because the object of the notice has been obtained. I may say that the solicitor of that Company did not seem to be as hostile to this Bill as the hon. gentleman from Alberton, and the hon. gentleman from Amherst, or did not express nearly as strong an objection to its passage as these hon. gentlemen. I feel obliged to support the motion of my hon. friend. I think that it would be in the interest of the public, however, that this Bill should be amended in one particular. Although there is no express power in this Bill given to this Company to amalgamate or to sell out, or to pool with any other Company, I think that in the interest of the public it would be well to guard still further against the possibility of any such operation, because a good many other companies which were supposed, and intended even by the promoters to act as independent companies, have been swallowed up by the Western Union. Before the Bill is read the third time, I think it should be amended by the insertion of a clause to prevent any amalgamation or pooling or transfer to any other company.

HON. MR. DICKEY—Having adressed the House with regard to this Bill on a former occasion, I had hoped that I might be spared the necessity of saying anything to day; but so prominent a reference has been made to myself by the hon. gentleman from Charlottetown that I do not feel disposed to sit still and let it

pass unnoticed. In the judgment and recollection of hon. gentlemen when I appealed to the House as to the spirit and to the remarks which I made on a former occasion I spared the hon. gentleman; I was quite aware of the rule as laid down by my hon. friend from Alberton, and I was equally aware that it was a shock to my own sense of propriety—not only speaking of the rule, but of propriety itself—to hear my hon. friend from Charlottetown stand up to advocate his own case in this House; but at the same time I refrained from even adverting to it except to say that I would willingly give him any assistance, especially as he was interested in the Bill himself. The remarks which I made about vested rights have been entirely either misrepresented or misquoted. I made merely a passing reference to it as an introduction to the remark that I thought they ought to receive consideration from the hon. Minister of Justice, and it was only in that sense, and without passing any opinion on those rights, without pressing them on the attention of the House, without arguing at all, I passed on to consider the other provisions of the Bill. Under those circumstances why is it I am singled out here for the purpose of attack, as if I were the defendant of some supposed rights? My hon. friend has gone further: he has undertaken to arraign my conduct in this House on former occasions. Now, I say that was not only uncalled for, but unparliamentary; and, I was about to say, it was indecent for the hon. member to do so. My course on this question is well known. I have, perhaps, too tender a solicitude as a legislator for existing rights. I have always carefully kept that before my mind and I may as well say that my experience as a legislator has confirmed me in that impression—the impression of the necessity of every legislator looking carefully into these bills, especially when they are sprung upon the House under the circumstances which have called forth this measure. Before my hon. friend from Charlottetown ventured to call me to account for any course I have taken on the matter he should have explained to the House why he himself undertook to be the advocate of his own Bill, and he should have told the House why it was that when he came before this House on a former occasion, as he has come to day, and asked the House to pass this Bill in the interest of putting down monopoly, on the very face of his own Bill he asks for the same rate of remuneration that that monopoly which he admits to have been inflicted upon the people of Prince Edward Island. He ought to have explained to the House why that was, and we have just now been told by a member of the Railway Committee that was extorted by the Committee in the protection of the public. It is a pity they had not their attention drawn to a proviso which seems by some insidious means to have found its way into the Bill when it was printed; a proviso that took away all the protection that the Committee intended to give the public. The other section gave to the Governor-in-Council the power to limit these rates and fix them from time to time, and yet they put in a proviso afterwards which enabled them at all events, to secure to the promoters of this Bill the same 50 cts for this, and 75 cts. from another part of Canada that already exists. Under these circumstances I think the comments that I thought it my duty to make the other day upon that point were at all events called for, and that the very best justification of the course I took on that occasion has been found in the attitude that the hon. gentleman takes to-day when he comes forward and says "I am so satisfied with the objections made on a former occasion that I am now willing to take one-third of the amount I asked for at that time." I think had my hon. friend considered the matter; had he known that he himself was about to give the very best answer to the objections to the course which I took in the interests of the public, not as advocating the interest of individuals but the interest of the public, not attacking anybodys interests but defending the interests of the public, we would have been spared the exhibition of petulence which he has made to-day and the House would have been spared the necessity of my making these remarks upon it. I have nothing to do with this matter.

I am not going to follow my hon. friend from Montreal in his attack on the combination of the Montreal and the Great North Western Telegraph Companies; that is an old story. That has all been settled

by Parliament and I believe well settled —at all events, it has been settled by the consent of the people who were chiefly interested, that is, the stockholders of the Montreal Telegraph Company. They found it greatly to their advantage or they would not have been so anxious that it should pass: but I am told that on a former occasion I advocated the interests of certain parties—for instance the Anglo American Co. I quite admit that with reference to the Marine Electric Telegraph Co's Bill I took a very strong part against the passage of it, and the very best justification of the course that I took on that occasion, has become a part of the history of this country. Where is the Marine Electric Bill now? Where is the Anglo-American Company, that was to be brought into operation? When my hon. friend attacks me for my conduct on that occasion, he attacks a very large minority of this House, gentlemen who were just as independent of the Anglo-American Company as I am. He had no right to make those observations, or to fling that taunt across the House at any hon. gentleman, myself included. We had a perfect right to exercise our privilege when we thought that was unwise legislation, and it turned out that we were right. If it were not, the Government of the day thought it was a mere *brutum fulmen* to send that Bill across; that it would be disregarded, and would have no practical effect. I think it is quite unnecessary and un-called for that the question should have been brought up, but there is one good result at all events that has followed the course that was recommended by the Minister of Justice on a former occasion; he had the opportunity of reading this Bill as a whole, and now having read it we have got at all events one acknowledgement from him to-day. I will now invite the attention of the House to one or two other points, in which I will not say in an insidious manner, but which by the course which has been taken, first sending us a bald Bill, then sending us an amended Bill, and then having that Bill amended again before the Railway Committee, this House has not had an opportunity of making an intelligent inspection of the Bill, and I think the House is indebted to the Minister of Justice for the opportunity he has given us to examine the measure. Let us take just one clause: I allude now to the latter part of clause 8 which is as follows:—

"Wheresoever any of the Company's lines pass through any wood, the Company may cut down the trees and underwood for the space of fifty feet on each side of the said lines, but shall not cut down or mutilate any tree planted or left standing for shade or ornament or any fruit tree."

Now this is a sweeping power to give those gentlemen to go through the Province of Prince Edward Island and to pass along the roads of the country and make a clean sweep of the timber for fifty feet on each side—making 100 feet altogether exclusive of the width of the road —and what more? To do it without compensation. I do not know whether it was intended or not but I am rather inclined to think that that clause was an oversight on the part of the Committee. I will now call your attention to a Bill that is only three years old, the Great North Western Company's Bill, in which a similar power was asked for and given. And Parliament on that occasion, and this House in particular (for the amendment was made here) was very careful indeed to guard it in the only way it could possibly be done, by obliging those parties before exercising this power, to make compensation. It will be found in chapter 66 of the Private Acts of 1880.

HON. MR. POWER—If the hon. gentleman will look at lines 38, 39, 40 and 41, page 2, of this Bill he will find there provisions of that kind.

HON. MR. DICKEY—I know perfectly well what the hon. gentleman refers to. There is a general power given, independent of the clause which I have just read, in the previous part of the Act (clause 8) of the Great North-West Telegraph Company, just the same as there is in this Bill, but Parliament was not satisfied with that and proceeded to specify that in regard to cutting down trees &c., the owners thereof shall be indemnified. Strange to say, this Bill, while giving the same general power to take lands, cross streams &c., omits this important provision. There is another curious feature in this Bill which must have struck anyone who has looked into it—that is, the part on which the whole thing turns—clause 15, which defines the time within which work must be begun. It is as follows:—

"If the works of the Company are not commenced within two years from the passing of this Act, then this Act shall be null and void."

Now, what is that? Not a *bona fide* commencement, but a mere "commencement," which may consist in digging a hole and putting down a post. That would be sufficient, under this Bill, to give the Company an unlimited charter, with all the unrestricted powers which it contains. That has not been the character of our legislation in the past. Only three years ago, when the European, American and Canadian Cable Company was incorporated, there was a provision that it should commence work within two years, and have one or more cables in operation within four years. In this Great North Western Telegraph Company's Act of incorporation, see what pains were taken to prevent them from using the charter for speculative purposes merely! They required, under the 24th clause, to *bona fide* commence the work of construction, and proceed with it within two years from the passing of their Act.

My hon. friend from Prince Edward Island (Mr. Carvell) I think would have been much better employed if instead of criticising my conduct (and I apologise to the House for making any defence) he had attempted to answer the objection which I made to the Bill. That objection neither he nor the hon. member from Halifax (Mr. Power) has condescended to notice—that under cover of an application for limited powers they have asked this House to grant them much more extensive powers.

HON. MR. POWER—I answered that.

HON. MR. DICKEY—I stated then that this was a most dangerous principle of legislation. It is of very great importance that the Senate should not be induced, by sanctioning the course pursued in this case, to violate the sound principle of never granting larger powers than are asked for by the applicants unless under circumstances of an exceptional character. That is the great fault in regard to this Bill. Need I repeat I thought it my duty to call the attention of the House to it, just as I did with regard to others? My objections have, at all events, proved of some service in getting the rate for messages reduced. I thought it my duty to call the attention of the House to the matter, not in any sense in a spirit of opposition, but in the interest of good legislation. Under the circumstances, I think I may well leave the matter in the hands of the House. It is quite clear that the promoter of the Bill thinks it should be improved, since he has himself suggested an amendment, and the hon. member from Halifax has suggested another. I do say, in the interest of sound legislation, if the House is not disposed to stop this Bill, it should put its hand upon this and give some protection to the people of the Maritime Provinces and wherever this company is to operate—and it may operate from Vancouver to Cape Breton. We should at all events give them no greater powers than we have given the Great Northwestern Telegraph Company, and we should protect the public, as we have done with regard to other schemes which I will not characterize at present, by limiting the time within which they must commence work, and requiring them to proceed continuously with their operations. I am glad that the objections which we have raised have done the State some service, and I hope my hon. friend's irritation will subside when he finds that these objections were valid.

HON. MR. ALEXANDER—As a member of the Railway Committee I have listened to the arguments which we have heard advanced by different gentlemen against the Bill, and I fail to see, looking at it from my standpoint, the force of those objections. The Bill was discussed thoroughly on the second reading; it was carefully examined by the Railway Committee; several amendments were added to it, and it was then reported to the House, when to my surprise, as a member of that Committee, a distinguished luminray in this Chamber (Hon. Mr. Dickey), rose to tell the House that the Committee had failed in their duty, and that the House did not comprehend the purport and object of the Bill.

The hon. gentleman assumes the position of taking a paternal interest in the deliberations of this House. He knows better than the Railway Committee, what is ne-

cessary in the interests of sound legislation. I have known the hon. gentleman well for many years in this Parliament. He is truly a model member of this House. He upon all occasions frowns down such special pleading as obtains in the superior or inferior courts of the country. He is ever careful that this House follows strictly in the footsteps of the House of Lords, and that none of the rules of Parliament are in any way infringed upon. When hon. gentlemen who are advanced in years are obliged to speak from notes, the hon. member is particular that the rules of the House are observed. When upon any occasion a humble member of the House is checked for any irregularity, the hon. gentleman never fails under such circumstances to obstruct that hon. member, by raising questions of order, from giving expression to independent views. Does the hon. gentlemen rise to questions of order when ministerial members have violated some rule of the House? No, he singles out one or two members who may be independent, and may perhaps make mistakes. The hon. gentleman would be a model Senator in the legislative halls of Washington or Westminster.

Now let us see what objection the hon. gentleman has raised upon the floor of this House against the Bill brought forward by the hon. gentleman from Prince Edward Island in the interest of his province. The Bill may be defective. If it is, then the chief defects complained of by the hon. member from Amherst are those for which the Railway Committee are responsible, so that his criticism on that part of the Bill are a direct reflection on that committee. It is a reproof to the members of the railway committee as if they had no experience. We must endeavor to put the hon. gentleman himself on it, for in his estimation that committee is totally incompetent to deal with these Bills. The hon. gentleman takes strong ground in opposition to this Bill. I understand the position to be this: that the Atlantic Cable Company when they raised their large capital to proceed with their great enterprise found that they had a surplus of funds, and to utilize this surplus they came to the legislature of Prince Edward Island, and very kindly offered to build for them a cable across the small 9 mile strait.

HON. MR. HOWLAN—The hon. gentleman is quite mistaken.

HON. MR. MILLER—That was done before.

HON. MR. ALEXANDER.—This is not a question affecting the vested rights of the Anglo-American Company, as regarding their cable across the Atlantic. I was one of these who voted that their interests should not be disturbed, because they had rendered great service to the world. But what great benefit had they conferred in constructing a cable in the gulf, nine miles in length? Will any disinterested man say that that third clause of the Bill does not cover entirely that question of exclusive rights? Then I want the hon. gentleman to tell us why we should declare that for all time to come no more telegraph companies shall be established in the Maritime Provinces. It is all very well to get up special arguments. If there is anything which distinguishes the House of Commons, and the House of Lords in England it is that they regard such pleadings as unworthy of the members of such legislative bodies. I do not see any force in the objections which have been raised to this Bill. If there is a defect with regard to compensation for cutting down trees and underwood, that is provided for in the last clause, which says that the Bill shall be subject to the general provisions affecting telegraph companies. I consider it my duty as a humble member of this House to support the Bill.

HON. MR. KAULBACH.—I do not rise to speak at length, because a great deal has been said in this debate which was irrelevant to the measure before us. Although I am not with my hon. friend from Amherst to-day, and he has not convinced me that the report of the committee should not be concurred in, yet he has made some valuable suggestions with regard to the cutting of trees and the commencement and continuation of the company's operations. Those are amendments which might easily be incorporated in the Bill before the third reading. In dealing with this measure, I do not think we should consider whether the regular notices were given or whether it is in conformity with the petition. The sus-

pension of the rules was agreed to by the House, and we must take the Bill as it is, and deal with it on its merits. As regards vested rights, I have always been with my hon. friend from Amherst, and if I believed that this Bill interfered with the rights of the Anglo-American Tele graph Company, I should be with him now, as I was on the question of the Direct Cable Co. Subsequent events have proved that the course which we then pursued was correct. But I do not believe that the rights of the Anglo-American Company will be interfered with. If they have any exclusive rights they do not extend to lines on this continent, but to lines outside of America. If they have vested rights, they are protected by this Bill. We cannot in this House consider the rights of private individuals; it is enough for us to say, as we do in this case, that if any such rates exist they are guarded, and let them look to the proper courts to sustain them. I do not consider, therefore, that any company's rights are infringed upon by this Bill. I do not agree with the hon. member from Halifax that because we incorporate other telegraph companies we should therefore incorporate this one. That is no argument. If we were depriving any company of its rights, we should indem nify them for any injury we might cause them. That is a principle in law—private rights must yield to public necessity, but in such a case compensation must be granted. I hope my hon. friend from Halifax will find a way to prevent pooling or amalgamation with the Anglo-American Company. All attempts to prevent it in the past have failed; they always circumvent it in some way. I believe this Bill is in the public interest. I presume that the change suggested by my hon. friend in this Bill is to reduce the cost of telegraphing to Prince Edward Island to one-sixth of the present rate. Certainly that is in the public interest, and if we can accomplish it, as I believe we can, by passing this Bill, without interfering with the rights of other people, we should do so. My hon. friend (Mr. Carvell) suggests (and I suppose it will be incorporated in the Bill) that the rate of telegraphing to Prince Edward Island, which is now 75 cents, shall be reduced to 25 cents, and that this rate shall be for 20 body words instead of 10: I say that is in the public interest. Having no interest in the matter, not having been conferred with by any person on the subject, having a great regard for the vested rights of companies and believing in sustaining them where they can be properly defended, I can safely vote for this Bill, and therefore it shall receive my sanction and approval.

HON. MR. HAYTHORNE rose to address the House.

HON. SIR ALEX. CAMPBELL suggested that the debate should be adjourned until to-morrow.

HON. MR. HAYTHORNE—I am in the hands of the House. I am willing to move the adjournment of the debate.

HON. MR. POWER—We shall not be any farther advanced to-morrow than we are to-day with this Bill; I think the measure is receiving very singular and very exceptional treatment.

HON. MR. CARVELL—Before the vote is taken I just want to say one word. This Bill has been passed over from day to day, not without reason I confess, but we are now approaching a date which causes me to feel a little nervous about it on the score of time—even if this House should pass it. I shall probably have another opportunity to reply to my hon. friend from Amherst (Mr. Dickey) who has misunderstood some remarks of mine; but what I wish to say is this: the bulk of the Bill, as I said the other day, is new matter that was put in by the Committee, and is for the protection of the public. I am however quite prepared to accept the suggestion of the hon. gentleman from Prince Edward Island (Mr. Haythorne) to postpone the third reading until to-morrow.

The motion was agreed to.

QU'APPELLE, LONG LAKE AND SASKATCHEWAN RAILROAD AND STEAMBOAT COMPANY'S BILL.

THIRD READING.

HON. MR. VIDAL moved the third reading of Bill (72), "An Act to incorpor-

ate the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company."

The motion was agreed to, and the Bill was read the third time and passed.

ROYAL CANADIAN PASSENGER STEAMSHIP COMPANY'S BILL.

THIRD READING.

HON. MR. PLUMB moved the third reading of Bill (55), "An Act to incorporate the Royal Canadian Steamship Company," as amended.

The motion was agreed to, and the Bill was read the third time and passed.

PATENT ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (O), "An Act to amend the Patent Act of 1882." He said: This is a Bill to amend one clause in the Patent Act. The period for which a patent shall endure in Canada is now 15 years, and that period is divided in the present Act, into three periods. By the language of the Act partly, and by the form of the patent also, these are made three distinct periods apparently, so that each period is as it were, a distinct patent. A difficulty has arisen in the United States upon that point, and the same difficulty might arise here at any time, for the same clause which is in the United States law exists in our law. The difficulty is this: A patent granted in the United States is for 15 years, but if a patent for the same invention is granted in any other country, then the patent in the United States shall cease with the date of the patent granted in that other country. That point has been taken with reference to some patents granted in the United States, and the same thing might happen at any time with us, because we have the same difficulties, and what is proposed in this Bill is to make that matter clear. We propose that the period for which a patent shall endure shall be fifteen years, subject to the payment at the end of five years of an additional fee, and at the end of ten years of a further fee, so that the whole period shall be clearly a period of fifteen years, but subject to payments at the expiration of five or ten years, of additional fees. That will remove the difficulty, and enable persons who take out a patent in this country or the United States to have the full benefit of the patent here for fifteen years, and there for seventeen years. It is a change to which the Government have given their assent, and which we think is in the interest of our own people as well as in the interest of those who have obtained patents in this country and in the United States also.

HON. MR. SCOTT—I do not quite see the point myself, but perhaps the hon. gentleman will explain, when I mention my difficulty. At present, under our law, a patent may be taken out for fifteen years, in order to save the larger fee which is required for several terms. The usual practice is to take it for five years, and at the end of the five years to renew it for five years more, or ten years, as the case may be.

HON. SIR ALEX. CAMPBELL.—But these are three distinct patents, as it were, held by he Crown to be so; one for five, another for five and a third for five.

HON. MR. SCOTT.—Has there been a decision in our courts to that effect?

HON. SIR ALEX. CAMPBELL.—No; there has been a decision in the United States, not in Canada, which makes it one patent, subject to three payments.

HON. MR. DICKEY.—I presume there will be time to consider this Bill in Committee; it will not be taken up until next week?

HON. SIR ALEX. CAMPBELL.—No; there will be ample opportunity.

The motion was agreed to.

CHIGNECTO MARINE TRANSPORT RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. BOTSFORD, in the absence

of Hon. Mr. Bourinot, moved the second reading of Bill (51), "An Act to amend the Act to incorporate the Chignecto Marine Transport Railway Company, (limited)."

He said: In moving the second reading of this Bill, I may mention the alterations from the original charter. There is nothing whatever which makes any change with respect to the protection to be afforded the public, as against the corporation, but it is to provide, among other things, for an increase of capital. That I believe has arisen in consequence of the additional expense which the capitalists in England have undertaken in making the line a straight one from one point to another. That will incur an additional expenditure, especially as they are putting in another provision to the effect that the work must be at the water level, which perhaps will involve rock cutting, and these are the reasons for asking an additional capital of $1,000,000. Then there is a clause for the filling of vacancies among the directors, which is a matter for the convenience of the company. Then again, in the 9th section, they are empowered, on the same principle as they are authorized to increase their capital, to issue bonds to the extent of $3,500,000 instead of $2,500,000 as in the original bill. I beg to move that the Bill be read the second time.

HON. MR. POWER—The Act of this Company as originally introduced and passed, provided that the capital stock of the Company should be $1,000,000; the amendments. as the hon. gentleman has stated, proves that it shall not exceed $2,000,000. But I notice that although the Company are asking for this power, they have done nothing since last year practically.

HON. MR. BOTSFORD—Yes, they have.

HON. MR. POWER—It is very little then, for they now say that as soon as $100,000, shall have been subscribed, and ten per cent paid thereon, the provincial directors shall call a meeting of the company. I notice that although the company ask for power to increase their stock, that they do not increase the amount that shall be paid up before the company go into operation. I think the attention of the House should be called to the exceedingly small amount of capital which those gentlemen who propose to undertake so large a task begin operations with. They say that their capital stock shall not exceed $2,000,000, and not less than $1,000,000, and they proceed to business when they have only $10,000 paid up. That fact is an indication of the general character of this scheme, and inasmuch as under the original charter of the company they are authorized to receive a large subsidy from the Government, and as a public Act passed last year provides for the granting of this subsidy, the interests of the public are very considerably concerned and the people should have a right to see that they are dealing with a substantial concern.

HON. MR. BOTSFORD—The subsidy is not payable until the Company is in operation.

HON. MR. MILLER—And it will be indefensible that it should ever be paid. More improvident legislation has never been passed in Parliament since I have been a member of this House, and a more unjust one to Nova Scotia.

The motion was agreed to and the Bill was read the second time.

QUEBEC AND JAMES' BAY RAIL WAY COMPANY'S BILL.

SECOND READING.

HON. MR. BELLEROSE moved the second reading of Bill (54), "An Act to Incorporate the Quebec and James' Bay Railway Company."

He said: The object of this Bill is to extend the Railway now under construction from Quebec to Lake St. John, to James' Bay. It passes through a territory of which little is known as yet, but which contains millions of acres of good arable land capable of sustaining a population of over thirty millions, a territory rich in minerals watered by beautiful streams, and possessing a climate much better than that in many other parts of Canada.

HON. MR. HAYTHORNE—Will the hon. gentleman inform the House what is the length of the road?

HON. MR. BELLEROSE—I believe it is between five and six hundred miles from Lake St. John.

The motion was agreed to, and the Bill was read the second time.

RATHBUN COMPANY'S BILL.

THIRD READING.

HON. MR. BELLEROSE moved concurrence in the amendments made by the Committee on Standing Orders and Private Bills, to Bill (26), "An Act to incorporate the Rathbun Company."

The motion was agreed to, and the Bill was read the third time and passed.

BILLS INTRODUCED.

Bill (34) "An Act to amend and consolidate the Acts respecting customs."—(Sir Alex. Campbell.)

Bill (64) "An Act to incorporate the Pacific and Peace River Railway Company."—(Mr. Miller.)

Bill (41) "An Act to Incorporate the Railway Trust and Construction Company of Canada (limited)." (Mr. Simpson.)

Bill (76) "An Act to amend the Act to Incorporate the Northern, North Western and Sault Ste. Marie Railway Company, and to change the name of the said Company to the Northern and Pacific Junction Railway Company." (Mr. Allan.)

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Friday, April 27th, 1883.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (P), "An Act to make provision for the taking of evidence in relation to criminal matters pending in the courts of justice, in any of Her Majesty's Dominions or before foreign tribunals." (Sir Alex. Campbell.)

Bill (Q), "An Act respecting the High Court of Justice for Ontario." (Sir Alex. Campbell.)

Bill (R), "An Act respecting County Court Judges in the Province of Ontario." (Sir Alex. Campbell.)

RAPID TELEGRAPH COMPANY'S BILL.

REPORTED FROM THE COMMITTEE.

The Order of the day having been read: Resuming the adjourned debate on the hon. Mr. Carvell's motion, that the amendments made by the Committee on Railways, Telegraphs and Harbors, to the Bill intituled: "An Act to incorporate the Canadian Rapid Telegraph Company (limited),' be agreed to."

HON. MR. HAYTHORNE said:—I think the House did well the other day in consenting to adjourn the discussion of this measure until an opportunity should be given to have the Bill, as amended in committee, reprinted. That gave us an opportunity of taking a general birds-eye view of the measure, and in fact as far as I am concerned I could not have supported the Bill as it stood before the last re-print. Therefore I think the House is indebted to the Minister of Justice for the course he advised us to pursue on that occasion. I have also some pleasure in acknowledging my obligations personally to the hon. gentleman from Amherst for his able criticism of the Bill. I am not one of those who think an injury has been done to this House or to the community by the most searching criticism that can be given to any measure brought before us; on the contrary I feel indebted to the hon. gentleman for his criticism of this Bill, and I am disposed to give him my hearty thanks therefor. This measure was originally introduced with a view to relieving the Province of Prince Edward Island from the heavy burden it lay under with regard to its telegraph communication. It will not be surprising to any member of this House to know that the question of telegraphy should have a peculiar interest for a province situated as Prince Edward Island is, cut off from the rest of America for five months of the year, and depending mainly for its intercourse with the mainland, on tele-

graphic communication. Twenty or thirty years ago communication across the Straits was more difficult than it is to-day, consequently the necessity for telegraphic communication was perceived at an early date; in fact one of the first of the large marine telegraph lines was intended to cross the Island. After crossing Newfoundland it was intended to cross Prince Edward Island and connect with the mainland system at Cape Breton. Thus it was that our province came to be connected with this system of cable telegraph communication. The early efforts in that direction were not successful. The cables were imperfectly manufactured or unskilfully laid, and were very often broken, and in consequence communication was frequently cut off. This inconvenience went on for many years until 15 or 16 years ago when a better cable was laid and a new arrangement was entered into with the New York, Newfoundland and London Company, and that arrangement has been more successful than any other of its predecessors. The only difficulty in connection with it is that the Province has been subject to a heavy and burdensome charge, and when the hon. gentleman from Charlottetown introduced his measure, I for one hailed it with satisfaction for the general benefit it would confer on our province; but there stood in the way, as I then supposed, this great obstacle—that the representatives of the New York, Newfoundland and London Company possessed a monopoly there. It has always been one of my political dogmas that a legally constituted monopoly can only be got rid of in one way, and that is by voluntary resignation or by its purchase at fair rates. But a more complete investigation of this subject has led to the conclusion that the monopoly, if there does exist a monopoly there, is of a totally different kind—a monopoly of sub-marine cables starting from Europe, but not of cables starting from the Island to any part of the continent of America, and therefore it is competent, as I read the laws on this subject, for any company to lay a new cable from any part of the American continent to Prince Edward Island. That being the case, the great difficulty that stood in the way of this enterprise is removed. A clause of the Act relating to this monopoly was read, but a later Act which grants the Company a subsidy of some $2,000 a year by the Government as long as they maintained these communications, is based upon the same Act. It refers back to the very same clause that was read yesterday, that is their charter. There has been considerable difficulty in getting at these laws. I am sorry to say that the legislative journals and law-books of Prince Edward Island have got very much mixed up and have gone astray from the Library, consequently any member from our province who is interested in legislation, or information to be derived from those laws, has great difficulty in finding them. This book I have in my hand is a borrowed one; I believe it was sent up from the Island specially for the use of the members this session. I merely point to these things to show hon. gentlemen the difficulties we labor under in this matter. Like my hon. friend who sits behind me, I have several objections to the Bill, but I think a great deal has been done to improve it, and in whatever way further improvements can be made, if they can be done during the present session, a great object will be gained. Several suggestions were made yesterday that might in some way be carried out either as amendments on the third reading of the Bill or by referring it back to the Standing Committee. One of the principal amendments to which I would direct attention is the one suggested by the hon. gentleman from Halifax, that provision should be made against amalgamation. I think that that is a proper precaution to take, and Parliament should not constitute a new company there without taking measures to prevent them from combining with some other company and thus continuing the monopoly which the province has experienced in the past in the matter of telegraphic rates. There are also some other provisions which ought to be attended to. For instance the reduced rates to which the hon. gentleman who introduced the Bill referred yesterday ought to be embodied in the charter.

Another fact is that although this Bill was originally introduced in this House specially with a view to the relief of the Province of Prince Edward Island, as it stands now, the Island Province is not mentioned at all, and it is quite within the bounds of possibility that this Company may find more lucrative objects for the investment of its capital than maintaining

sub-marine communication between the main-land and that Island. The Company, as must have been observed, has assumed much larger dimensions than was originally contemplated. At first it was intended to be a small company whose operations were to be principally confined to Prince Edward Island, but now it is a company which may extend its business all over Canada. Its head quarters in the original Bill were to be at Charlottetown. In the Bill as it now stands the head quarters are to be at Moncton. Taking this view of the case I think it would not be prudent for this House—certainly not for any gentleman connected with Prince Edward Island, or the adjoining shores, who wish to obtain cheap telegraphic communication—that this Bill should leave the Senate without containing provisions especially directed to compelling the Company to establish communication with the Island. That I think is a very important consideration. Another point which I think should be attended to is that the period allowed by the Bill for the company to go into operation is unnecessarily long. I cannot see myself that two years are required to put a telegraph company in operation. Two years would be short enough if the company were required to stretch its line across the continent, or to run a sub-marine cable under the waters in British Columbia, but if it is going to be established as a company in the Maritime Provinces we may fairly expect that its operations would begin there within a shorter period than two years. I cannot myself see the necessity of allowing them two years within which to commence operations. The hon. Senator from Amherst, pointed out yesterday that the language of the last clause of the Bill is rather indistinct. It can hardly be expected that any other company would come to Parliament, and ask permission to occupy the territory for which this company petition, until they first saw what this company was prepared to do, and therefore, I think that two years is an unnecessarily long peried for the commencement of the work. It may very properly be shortened by one year. I think the Bill could be further amended before its third reading in the direction which I have indicated, and then if that is done it will be a measure which will prove highly acceptable to the people of Prince Edward Island, and its promoters will have earned their gratitude, because hon. gentleman can readily understand that it is a grievous thing in these days of improvement to have to pay such a high tax as 75 cents for a telegram of ten words. To those who are in poor circumstances, and have to economize by every means in their power, the cost of telegraphing under the existing system is excessive. If the promoters of this Bill will undertake to relieve us of that burden and establish the rates mentioned yesterday, by the hon. gentleman from Charlottetown, he will be entitled to my gratitude at all events, and I think I may say, to the gratitude of the people of Prince Edward Island, for rescuing them from the difficulties under which they have labored for so many years.

HON. SIR ALEX. CAMPBELL—I am very sorry not to be able to support the Bill even in its present shape. I do not think the House would hesitate at all in giving its sanction to the measure had it been introduced in the usual way, and with the usual notice, but I do not think it is satisfactory to pass a Bill of this kind in this manner, with such a want of notice, and after the changes that have taken place in the objects contemplated by those who have been instrumental in bringing the Bill before us. It has been stated several times in the debate that the Bill as originally contemplated was to enable the Company to use an invention stated then to have been lately made, a circumstance which brought the Bill with in the ordinary scope of that kind of legislation—the usual notice for which is ex cused. We have had two Bills similarly situated on our orders to-day, and for the reason assigned by the promoters, the hon. gentleman who has charge of the Bill was excused, and he was allowed to bring in the Bill without notice; but it should have been a Bill simply for the purpose of taking advantage of that recent discovery. The hon. gentleman's Bill was originally so framed; then it was referred to the Committee, where it was altered completely, and it is now a new telegraph Bill, having no particular connection with this recent discovery or the Province of Prince Edward Island. I do not think it satisfactory to pass such a Bill in the absence of notice, and with the

excuse for want of notice which was made wirh reference to a different kind of Bill, and which was only granted because of the exceptional character of the Bill, and was, as I have said, to use a new invention. I do not think that is satisfactory, and it would seem impossible for the House to give its consent to the Bill as it now stands for the reasons which have just been mentioned by the hon. member from Prince Edward Island. There is nothing done for Prince Edward Island, and there is no guarantee that there will be any change in the existing state of affairs which has been complained of. The Bill is simply a measure to incorporate a new telegraph company on the old lines and with the old tariff of rates. I do not think my hon. friend who has charge of the Bill is advancing the matter much by pressing it upon the House now. I apprehend that it will be difficult to get it through in the other branch this session, and I ask him if it would not be better under the circumstances, to postpone the measure and allow it to stand over until next session. It seems to me that would be safer; I do not think it would delay the project, and it will enable him to mature the Bill, and to introduce one next session which will really be acceptable and will prove a boon to the Province he represents. I am sorry that so far as I can see now, and so far as this Bill is concerned, I am unable to give it that assent which otherwise I would be glad to accord it.

HON. MR. SCOTT—I am very sorry that the leader of the Government has taken this decided stand at this stage of the Bill. The argument against the House, considering it is two-fold: first, that no sufficient notice was given of the introduction of the Bill. The necessity for that notice was certainly waived by the gentleman who appeared on behalf of the Anglo-American Company, and who took exceptions to the Bill which were over-ruled. It is a matter of every day experience here that bills are introduced and passed through Parliament without notice; Parliament in its wisdom, considering that they were not of a character to affect private interests to such a degree as to render notice indispensable. If that exception should apply to any legislation it certainly ought to telegraph bills. It is well known that the telegraph system of this country is in the hands of one company, which as far as a human institution can be, is omniscient; that it is possessed of all matters, public and largely private, that pass between man and man, except they happen to be transmitted in a cipher unknown to the Company. It was, therefore, aware at the very first inception that this legislation was contemplated and, as a matter of fact, was represented before the Committee. Its representative did not, I believe, take such a violent stand against the Bill as to ask the Committee to throw it out for want of notice, but, as I learn, he took exception to certain of its clauses and contented himself with that stand, not believing that Parliament would be disposed to restrain any legislation in the direction of creating new telegraph companies. It must be conceded that the construction of new lines of telegraph in this country will be in the public interest. I lay down this as a broad principle; not that I have much faith at present in giving birth to new telegraph companies, for experience has demonstrated that no company which we can incorporate would have sufficient vitality to resist the absorbing power of the existing monopoly. In confirmation of the fact, I need only point to the events of the last 15 or 20 years, during which this absorbing process has gone on until one power largely controls the whole telegraph system of the two continents. I am, therefore, surprised that Parliament should hesitate to give life to any new company which has any sort of standing and is at all likely to maintain an existence in the country. It would be no argument to say that it is idle to grant this charter, because in a year, or two years at most, the weaker will be absorbed by the stronger company. While I feel that that would be the result, (with all due respect to the gentlemen whose names are mentioned in the Bill and recognizing their patriotic object), and that it is quite impossible for any small company, however earnest and patriotic its members may be, to maintain an existence against this powerful organization. They may subscribe capital to the extent of a quarter or half a million dollars and spend that money in establishing and operating their lines, but from

one cause or another their stock passes into other hands, and whether it is above or below par it is bought up in the interest of the monopoly. That is practically the effect of all legislation. That such a monopoly is entitled to any csnsideration at our hands, I absolutely deny. It has shown itself quite independent of acts of Parliament, and superior to dictation either at Washington or at Ottawa. They have set the American Government at defiance, as they have defied ours. The Direct Cable Company was formed by a body of capitalists who were determined to fight the Anglo-American Company. They pledged themselves to stand by each other, to retain their stock and not to sell out under any circumstances or on any terms. They fought a gallant fight for a couple of years, but they were obliged to yield to their powerful rivals, and now the monopoly is the strongest company in that particular line on the face of the globe, and it is associated with other companies that largely control the London money market. No doubt the legislation of this Parliament at that time was valuable, inasmuch as it gave the world the advantage of another cable—(I am not sure but there were two laid), added to those which connected the two continents. In that way we accomplished some good. Soon after that another company, with equally patriotic views, the French Company, got its life, but it was soon cut short by the same sort of squeezing that destroyed the Direct Cable Company.

One of the largest capitalists on this continent two years ago, made up his mind that he would fight the cable companies of Europe and America, and having command of unbounded wealth, he had two cables made with all the modern improvements and he laid them successfully. But the same result followed: either they squeezed him or he squeezed them into a combination. I rather think that the American was the more clever, and that Jay Gould compelled Mr. Pender to come to his terms, and that while Mr. Pender was to be supreme on the other side of the Atlantic, Jay Gould was to be supreme in America.

It is very well known that no science has made more rapid progress than telegraphy; that electricity is but in its infancy. Of late we have made most extraordinary discoveries in it which were never dreamed of when Mr. Morse sent his first message between Washington and New York, and when it was believed that but one message could be sent at a time over the wire. First came the duplex and then the quadruplex instruments, and we know now that within a comparitvely short period the human voice can be carried for hundreds, nay thousands of miles by wire, and that the rapidity of communicating ideas is as great as the ability of the human voice to utter them. I see that a telephone wire is successfully working now between Chicago and New York. If it can be done for that distance I have no doubt that science will be able to carry it farther, and that most of us, possibly all of us, will live to see the time when men can talk around the globe as rapidly as they can converse in personal contact with each other. In view of these great changes, and the extraordinary cheapness with which communications of that kind can be made, it does seem a monstrous thing for us who have come here in the public interest to endeavor to block a venture, however feeble it may be, which has in view the cheapening of so important a means of communication as the telegraph system of the country. We know that we are taxed to-day on a very much larger scale for our telegraphic communication than is at all fair or reasonable. Over a year ago I had occasion to look into this subject to ascertain what the combined capital of the telegraph system of this continent amounted to before the absorption of the Montreal Telegraph Company under the name of the Great North Western, and the amount which the Western Union was then paying its stockholders on was between eighty and eighty-five millions of dollars, and, in the opinion of experts who had gone exhaustively into the subject, $25,000,000, would have been a fair capital to represent this vast extent of wires, posts, offices and instruments. The difference between that and $85,000,000, was watered capital on which the public were being taxed. We know that the Western Union was content to give, for the use of the Montreal Telegraph Company's wires, an eight per cent. dividend, and we know that they divide amongst themselves another eight per cent. We also know that wherever there has been a

new telegraph deal that those who have been in the original ring got a large addition of scrip dividends. When the Montreal Telegraph Company was absorbed $15,000,000, was handed out in this way, and on this paper the holders draw 8 per cent. interest, taken out of the business of this country—for what? Not for the benefit of the original designers who had a right to tax the people of this country by reason of any valuable invention or patriotic movement, but in the interest of a stock jobbing corporation. There is now, as hon. gentlemen know, a case pending before the United States Judges as to whether this $15,000,000 of watered stock which was so recently created cannot be separated from the *bona fide* and expunged. It has been all so mixed up together that the Judges say it is impossible to get at it. The courts are powerless to reach the spurious stock, and that stock, of course, is just so much added to capital on which the public have to pay this large tax. With well constructed lines, cheaply built and managed on a proper business basis, the telepraph rates ought to be reduced to one-third or one-fourth of the present tariff.

The people who are in charge of that system, are entitled, in my opinion, to no consideration at our hands; and I do not think they ask for very much; they squeeze us, they set us at defiance, as they do all other people. They care nothing for our legislation, as we have had the most ample proof in the manner in which they treated an Act of Parliament passed in 1875 in reference to the direct Cable Company; and they have treated the American Government and people in the same way. They have even refused to give Congress information that was officially sought for at a very recent period, in reference to the terms of the consolidation of the Companies. The policy of the United States has been against consolidation, but they were powerless to prevent it unless they acted officially in the only one way that is possible—unless they adopted the plan pursued in England, and took over the Telegraph System, combining it with the Postal System of the country. Although I am quite willing to assist in any enterprise looking to an independent existence, and to give them all the aid and encouragement possible, yet I confess to having but little faith in their power to succeed, unless they are supported by such a combination as will give them not only the breadth of this contiment, but facilities for reaching Europe as well. A telegraph company squeezed in on the one side by the cables of the Atlantic, and on the other side by the Western Union System—practically the one system—I am afraid would have but very little chance. It is quite true that a company might live and carry on a successful business between two important and largely populated centres like Chicago and New York, and New York and Boston or New York and Washington; between those points they can have a telegraph system specially for their own use, that will pay, and pay handsomely. But for the general business of the country it must be obvious that, if messages have to pass over the line of a competing company, it is quite useless for an infant enterprise to obtain a life at all. There can be but one way in which it can exist or work its business profitably, and that is by having the same means of extension that the existing companies have. It must also have its independent cables across the Atlantic ocean, in order to connect with the system in England and on the continent of Europe; therefore I think it is ill-timed—because it looks as if we desired to check anything like rivalry or developement of telegraphic enterprise—I say it is ill-timed to take any exception to a bill of this sort on the slender ground that the hon. leader of the Government has offered; that of its being more extensive than originally contemplated, and of its containing clauses that were ultra of the powers originally intended. I cannot conceive that it strikes at anything except this particular Company; it can affect no interest prejudicially other than the large corporation to which I have referred. It promotes only the interest of the great public, and certainly in this matter they are entitled to every possible consideration that this Parliament can extend. As to the competitor whose rights and whose exclusive powers this little Bill attacks, I say that that company is so powerful and so entirely independent of them that it is idle for us to give any consideration whatever to the attitude it may take. I know all monopolies are extremely sensitive; they are jealous of the smallest rights that are attempted to be disturbed, when, in fact, they live for the very purpose of squeezing all they can out of the public; that is the

tendency now-a days, not alone in the telegraph system, but in all others. We know that the other great system prevailing in this country—our railway system—is rapidly following in their wake, and it will be but a very short period before we shall have just three independent lines within the Dominion. We shall have the Intercolonial and any lines controlled by the Government, but beyond that it must be obvious to every gentleman who reflects for a moment, that there will be but the Grand Trunk Railway and the Canadian Pacific Railway. The Grand Trunk Railway, until quite recently, when the Canadian Pacific Railway entered the market in the same direction, was engaged in buying up the smaller lines, and gradually absorbing the railway system of the country. That is just a parallel case to the telegraph system, and before huge corporations like those we seem perfectly powerless. But I do think that when any independent capitalists seek to obtain a properly recognized position through the Parliament of the country, we ought at least to show our anxiety to give that new enterprise all the assistance we possibly can. As I said before, it strikes but one concern, a concern which is entirely indepenent of it, and independent of the position which this company, now seeking legislation, could obtain, even if we made this an Act of Parliament. In my judgment it would have to go very much farther before it could be really useful to the people of Canada. My hon. friend on my right, thinks that if the rates were reduced, and that line were able to cross through Canada, it would be of very great use to Prince Edward Island. So it would, but then to make it so, if the hon. gentleman will recollect for a moment, the line must be co-extensive with the present system; otherwise where other lines would have to be utilized, of course they would avail themselves of the right they legally possess, and would have, to charge for such transmission such a rate that it would probably destroy the value of this cheaper line. You could create a corporation in Prince Edward Island, no doubt, that would be valuable there; but I suppose they have a local line already. I am not aware what the rates are, but it must be of advantage, and I think they might even have a line that would give them connection with certain points in New Brunswick and Nova Scotia, which which might be of some advantage; but to be of general benefit, or to give them power to communicate with the western portions of this continent, they necessarily would require to have a system co-extensive and as large as the existing Company's.

HON. MR. CARVELL—I exceedingly regret that the hon. Minister of Justice has found it necessary to take the position he has assumed in reference to this Bill. Whether he takes that position as the representative of the Government in this House, or as a private individual, I d not know—

HON. SIR ALEX. CAMPBELL—think I mentioned to my hon. friend, privately, that we had talked the matter over at council; it is the action of the Government.

HON. MR. CARVELL—I was disposed to regard that private conversation as such, and therefore was not supposed to know that the Government are inclined to sit upon this measure. I will not detain the House at this moment further than to say that I greatly regret the course which has been taken, and that the Minister should feel at liberty to say that this Bill promised no relief to Prince Edward Island. I am the more sorry for this because in the discussion of yesterday it was pointed out that 25 cents. was all that could possibly be paid on a 20 cent. message from Prince Edward Island to any part of Canada, and so on. I will not go into the question now, and I merely rise to dissent from the suggestion of the leader of the House in reference to this Bill going over; reserving my remarks for a later stage.

HON. MR. MILLER—I should like to know what the motion is?

HON. MR. SCOTT—It is on the amendment as made by the Committee on Railways.

HON. MR. MILLER—I do not rise to prolong the discussion, as I am with the principle of the Bill, but I would like to say to my hon friend that I do not feel disposed to vote for the amendments, and as the motion is for the concurrence in

the amendments I am rather inclined to think many persons would be put in a false position, besides myself. The hon. gentleman from Charlottetown, for instance, is not disposed to accept the amendments in the Bill as amended. There were three or four important amendments suggested; one by the hon. mover himself, one by the hon. gentleman from Halifax—also a very important one—and another by the hon. gentleman from Amherst. Now I am certainly in favor of the Bill with these amendments, and should not vote for it without them; I do not see how the matter can be met unless a motion is made (and I will make it if the hon. gentlemen is not opposed to it) that the amendments be not now concurred in, but that the Bill be referred to a committee of the whole House, for further amendment, on Monday next.

HON. MR. CARVELL—Why not now?

HON. SIR ALEX. CAMPBELL—Perhaps it would be better to send it back to the Committee.

HON. MR. MILLER—I am afraid it may be unduly delayed, and I do not think any of us desire to get rid of the Bill in that way. If there is a majority of the House against it, I think the question should be tested, and then the feeling of the House will be known in regard to the Bill generally. If the motion should not carry then it would be understood I presume that the principle of the Bill would be condemned upon the same division. I would move then that the amendments be not concurred in, but that the Bill be referred to a committee of the whole House, presently, for further amendments.

HON. SIR ALEX. CAMPBELL—I have no objection to the Bill being referred for further amendments.

HON. MR. POWER—Before the question is put I would like to understand whether the motion of the hon. gentleman from Richmond (Mr. Miller), is to go into committee now to consider the amendments?

HON. MR. MILLER—Yes.

HON. MR. POWER—I was going to move the amendments in another way—some amendments that I had prepared—but I think probably that is the most convenient way. I think that it is perfectly in order to move in amendment to that motion, that the Bill as reported from the Committee, be amended in such and such a way, but I think on the whole the mode suggested by the hon. gentleman from Richmond is a better one. There are three amendments which are proposed to be moved, if the House goes into committee. One is to provide for the case of trees and underwood cut down, and to make it clear that compensation is to be provided.

HON. SIR ALEX. CAMPBELL—We can discuss them in committee.

HON. MR. POWER—I am only taking about three minutes to explain what can be done in committee.

HON. SIR ALEX. CAMPBELL—It will have to be explained all over again.

HON. MR. POWER—As I understand it, we are to decide now whether this Bill is to be killed finally, or not; and the reason why I mention the amendments that are proposed is, that hon. gentlemen may know beforehand what the promoters of the Bill are willing to accept, so that, if they kill it, they shall do so with their eyes open. I have indicated one of the amendments to be proposed; the other one is an amendment mentioned by the hon. gentleman on my right yesterday, that the rate for messages, instead of 25 cents. for 10 words is to be 25 cents. for 20 words, and that there is to be no charge for the cable message; another amendment is a proviso to be added at the end of the Bill, rendering it unlawful for this company to amalgamate with another, or to enter into any arrangement to transfer their undertaking to any other company. I second the motion of the hon. gentleman from Richmond.

HON. SIR. ALEX. CAMPBELL.—I do not at all wish to interpose any difficulties in the way; I am quite ready to take the sense of the House at any time, and if these amendments are made then the Bill will be as perfect as it can be, though it will not affect the reasons which induced me to think it was not

wise legislate upon the subject. If the hon. gentleman who made this proposition desires to take a division now, or after the amendments are made, I have no objection. There are some hon. gentlemen near me who desire to vote against the Bill, and perhaps we had better take the division now.

The House divided on the amendment which was agreed to on the following division :—

CONTENTS :

Hon. Messrs.

Alexander,	Macdonald,
Almon,	Macfarlane,
Archibald,	Miller,
Boucherville, de	Montgomery,
Boyd,	Muirhead,
Carvell,	Northwood,
Chaffers,	O'Donohoe,
Chapais,	Ogilvie,
DeBlois	Pâquet,
Dever,	Pelletier,
Flint,	Power,
Glasier,	Pozer,
Grant,	Read,
Guévremont,	Robitaille,
Haythorne,	Scott,
Kaulbach,	Simpson,
Leonard,	Skead,
McClelan,	Stevens,
McInnes,	Sutherland,
McKay,	Vidal,
McMaster,	Wark,—42.

NON-CONTENTS :

Hon. Messrs.

Allan,	Howlan,
Armand,	Macpherson,
Benson,	(Speaker),
Botsford,	Masson,
Campbell,	Plumb,
(Sir Alexander),	Smith—11.
Dickey,	

The House went into committee on the Bill, and after some debate,

HON. MR. DEBOUCHERVILLE from the committee reported the Bill with several amendments.

The report was received.

It was ordered, on motion of Mr. Power, that the report be taken into consideration on Monday next.

OFFENCES AGAINST THE PERSON BILL.

REPORTED FROM COMMITTEE.

The House went into committee of the whole on Bill (7) "An Act to amend the Criminal Law, and to extend the provisions of the Act respecting offences against the person."

HON. MR. MONTGOMERY from the committee reported the Bill without amendment.

The third reading was ordered for Monday next.

BILL INTRODUCED.

Bill (57) "An Act further to amend the Acts relating to the New Brunswick Railway Company." (Mr. Botsford.)

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Monday, April 30, 1883.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

THE INDEPENDENCE OF PARLIAMENT ACT.

INQUIRY.

HON. MR. BELLEROSE inquired :—

Whether it is intention of the Government to bring in a Bill to amend the laws of the Dominion, so as to change them by removing parts of such laws by which two members of this Parliament are said to be unable to attend the sittings of their respective Houses;

Or, in case the Government have no such intention; whether they intend adding, or have added to any other Bill, which may come before Parliament during this session, any clause or clauses to the same effect?

HON. SIR ALEX. CAMPBELL—My hon. friend made this enquiry a few days ago and I explained that there was a difficulty in understanding exactly what he desired to get at. He changed the form of it and said his real question was whether the Government intended during this session to alter the Independence of Parliament Act. That is a question to which I can give a direct answer, and I have the honor to inform my hon. friend

that it is not the intention of the Government at present to alter the Independence of Parliament Act.

OFFENCES AGAINST THE PERSON BILL.

THIRD READING POSTPONED.

HON. MR. SCOTT moved the third reading of Bill (7) "An Act to amend the Criminal Law and to extend the provisions of the Act respecting offences against the person."

HON. MR. ALMON moved in amendment that the Bill be not now read the third time, but that it be read the third time this day six months.

After some discussion, the House divided on the amendment which was adopted on the following division :—

CONTENTS :

Hon. Messrs.

Alexander,	Macdonald,
Allan,	Macfarlane,
Almon,	Macpherson,
Archibald,	(Speaker),
Armand,	Masson,
Benson,	Miller,
Botsford,	Montgomery,
Boucherville, de	Muirhead,
Boyd,	Nelson,
Campbell,	Northwood,
(Sir Alexander),	O'Donohoe,
Carvell,	Pâquet,
Chaffers,	Pelletier,
Dickey,	Plumb,
Ferrier,	Read,
Flint,	Robitaille,
Glasier,	Ryan,
Guévremont,	Schultz,
Howlan,	Simpson,
Kaulbach,	Smith.
McInnes,	Sutherland,
McKay,	Vidal—42.

NON-CONTENTS :

Hon. Messrs.

Chapais,	Power,
Dever,	Pozer,
Grant,	Reesor,
Haythorne,	Scott,
Leonard,	Stevens,
McClelan,	Wark,—13.
McMaster,	

FRAUD IN CONTRACTS PREVENTION BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (5) "An Act for the better prevention of fraud in relation to contracts involving the expenditure of public moneys."

HON. MR. MCMASTER, from the Committee, reported that they had made some progress with the Bill and asked leave to sit again to-morrow.

THE GRANGE TRUST INCORPORATION BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (44), "An Act to incorporate the Grange Trust, Limited."

He said : This is a Bill which has been brought here to enable the Grange Trust Company, incorporated under the Ontario Loan Company Act, to extend its business to the North-West. I believe the society to be a good one, although I know nothing personally of it except that the persons incorporated under the Ontario Act are all responsible persons and that they seek for certain powers which are within the jurisdiction of this Parliament and are consonant with similar powers given to other companies. I therefore beg to move the second reading of the Bill.

The motion was agreed to and the Bill was read the second time.

MASTERS AND MATES OF COASTING AND INLAND SHIPS CERTIFICATE BILL.

SECOND READING.

HON. SIR ALEX CAMPBELL moved the second reading of Bill (89). "An Act respecting certificates of masters and mates of inland and coasting ships."

He said : The House knows I am sure that we have a system of examining the masters and mates of sea-going vessels which has been in use for some time past, and has proved of great advantage to the service, and conducive to the saving of human life. This Bill proposes to introduce a like system into the coasting service and the service on the inland waters of Canada. As it is now, the masters and mates of vessels going from one port to another within the Dominion of Canada or to Newfoundland or the United States,

or on fishing voyages to any part of North America, are not required to pass any examination; neither are the masters or mates of vessels plying on the lakes or other inland waters of Canada. The examination which is proprosed for such masters and mates under this Bill is not one of the same character as that aequired for sea-going vessels, and there is in the Bill protection provided as regards those persons who are now serving in these capacities; that is to say, to any masters or mates who are now actually serving, it is proposed to give a certificate in consideration of their services and experience, but for all persons who may hereafter desire to obtain the position of mate there is a modified examination required by this measure. I am quite sure the Bill is one which will commend itself to the favorable consideration of the House. I move that it be now read the second time.

HON. MR. KAULBACH.—No doubt there is a great necessity for this Bill as far as the inland lakes of the Dominion are concerned, but as regards the coasting service I think that the Act already in existence with reference to certificates to masters and mates is quite sufficient.

HON. SIR ALEX. CAMPBELL—It does not apply to coasters at all.

HON. MR. KAULBACH—I know, but I do not think any necessity has been show for the Act being extended to them. I know that this Bill has excited a great deal of interest in a large number of the fishing ports of our Dominion. From the county to which I belong I have received numerous letters, all of which were written under an erroneous idea as to the intention of the Bill, for I do not think that the examination, in the case of the fishing vessels, will be such as to deprive any of the masters or mates of such vessles of their positions. The Bill applies only to fishing vessels of over 100 tons, and probably not one-half of the vessels engaged in the fishing business are of that size. Even if they were I see that a certificate will be granted to masters and mates actually serving who have given satisfactory evidence to the examiners of their sobriety, experience and general good conduct, and I think our class of fishermen will all come under that rule. I hope if the Bill passes provision will be made for the examination being held at the ports to which the applicants belong, as far as possible, so that they will not be obliged at great inconvenience to themselves to go to Halifax or such other place as may be appointed for the holding of such examinations.

HON. SIR ALEX. CAMPBELL—The Bill does not apply to vessels under 100 tons.

HON. MR. KAULBACH—The larger number of our Labrador and Banks fishing vessels are over that size.

HON. SIR ALEX. CAMPBELL—Does my hon. friend think that the masters of such vessels should not be examined?

HON. MR. KAULBACH—I am not opposed to that, but I am in hopes that the examinations will be so arranged as to take place in such localities as Lunenburg, for instance, where there is a large number of fishermen, so that they will not be obliged to go outside of the port for such examinations. As regards the certificates, I think that in addition to being registered in the Department of Marine and Fisheries they should also be registered in the Custom House of the port to which the vessel belongs, so that if the certificate should be lost, instead of the vessel being thereby delayed, the Custom House officer will have power to allow the vessel to proceed upon her voyage as if the master had a certificate.

I have no doubt this Bill is very much required on the lakes where there has been great destruction of life and property. I think, however, there should be provision for the inspections of hulls, which does not seem to have been provided for.

HON. SIR ALEX. CAMPBELL.—Inspection of hulls was provided for last year, and officers have since been appointed for that service on the lakes.

HON. MR. KAULBACH—I was not aware of that. I do not think the Bill will be detrimental to the interests of the fishermen, but I think that provision should be made for registration of the certificate in the Custom House of the Port.

Hon. Mr. ARCHIBALD—I am afraid this Bill will make a very sweeping change in the coasting trade of Nova Scotia. There is no doubt it is much required for the protection of life and property on the inland waters, but when you come to provide the machinery which will be required to carry out the details of this Act in our province, a board of examiners will be required at almost every Port of importance, such as Lunenburg, Sydney, Halifax etc. Now, the time appointed under the Act for persons desiring certificates to apply for them is only six months,—say six months from 1st June—which seems very short indeed. Again, the Bill states that the Governor-in-Council may from time to time make rules for the conduct of such examinations and as to the qualifications of the applicants, and such rules shall be observed by all examiners. Now, those rules should be posted in every Custom House in the Province for the information of the persons interested: for how, otherwise are the captains, who know nothing about this Bill, to come in and apply for their certificates? And, again, the question is, when are they to apply for examination? I simply make these suggestions as the Bill seems to be defective in the points indicated.

Hon. Sir ALEX. CAMPBELL—The objections of my hon. friend who has just sat down are entitled to great consideration, and will, of course, receive due attention at the hands of the Committee. It is not proposed to require any examination on the part of those who are now masters or mates, as they are to be given a certificate in virtue of their position as such. It is only those who hereafter want to be masters or mates who will be required to pass an examination, and they will be examined not to the same extent as sea-going masters and mates, but simply to the extent of proving that they have had sufficient experience to enable them to manage a vessel with safety. As to the number of places where the examinations will take place, of course the desire of the Government will be to make that as convenient as possible for those who want certificates. As to the registration of the certificates, it might perhaps be more convenient to have that done at the port from which the vessel hails, only in that case there would be more danger of the register being lost or destroyed by fire or other causes, than if it were kept here. A copy of the certificate might perhaps be given to the master or mate, and the original kept here, which would be the safest place for it.

Hon. Mr. ARCHIBALD.—Although those who are now masters or mates do not require to be examined, still they require to have certificates, and the question is as to the place where those certificates are to be applied for. It would be well to have the headquarters at Ottawa, and to have the general register here, but it seems to me that you must have a board of examiners at various ports, especially as the time limited by the Bill is so short.

Hon. Mr. POWER.—It seems to me that the Act passed a little while ago, providing that there should be certified masters and mates on every vessel over 200 tons goes quite far enough as regards sea-going vessels, and I think that the Minister of Justice should have shown that some case had been made out for the necessity of these certificates as regards coasters. Amongst our fishermen and coasters in the Maritime Provinces there are comparatively few shipwrecks, and but little loss of life, and I believe the Bill is going to put those men to a great deal of trouble and inconvenience for which there is no real necessity. I can quite understand that if a vessel carries passengers her master should be obliged to have shown his competency as a navigator, but where, as is frequently the case in the Maritime Provinces, the master builds his own vessel, and goes in her himself on a fishing voyage to the banks, or down to Labrador, I see no reason why the public should demand that that man should show himself to be a skilled navigator. Such a thing as the loss of one of those Labrador fishermen is almost unheard of, and as they never take any passengers, I fail to see how the public interests are concerned in these vessels at all.

Hon. Sir ALEX. CAMPBELL.—Are they over 100 tons?

Hon. Mr. POWER.—Some are over and some are under that figure. As it is

now, vessels over 200 tons come under the law. I think, this Bill, however, might be so modified as to include vessels trading to the West Indies. I believe it will cause a great deal of unnecessary inconvenience to the people of the Maritime Provinces.

HON. MR. KAULBACH—This seems to me to apply to vessels of over one hundred tons plying along the coast of America, but if a vessel goes to the West Indies or any other foreign port, a certificate is not required, unless she is over 200 tons.

HON. MR. ARCHIBALD—If a vessel goes to the West Indies, she requires a certificate.

HON. MR. HOWLAN—No man would permit a vessel under 100 tons to go to a foreign port. He would be obliged to have a master and a mate. It would not be in the interest of the owner to let a vessel go to sea without being insured, and the very first thing required of him would be certificates of the master and mate. This Bill provides, I take it, for a different class of vessels, coasting and lake vessels, and probably it has been brought into existence by the fact that great losses have occurred on the lakes of late, especially during the last two years.

HON. MR. MILLER—I think this legislation is in the right direction, and I do not see that it will at all be a hardship on the owners of small craft in the Maritime Provinces. The principle is conceded and acted upon in every maritime country of affording the shipping public all possible safe-guards. One of the most important of these safeguards is the competency of the officers in charge of ships. I say that this Bill is in the interest of the public and of commerce, but I should like to see it extended, so as to include smaller vessels than are now embraced. Of course we should take care that any legislation of this kind should no seriously interfere with the interests of any worthy branch of commerce —such as the fisheries.

AN HON. GENTLEMAN—It does not.

HON. MR. MILLER—I do not concede that we do; I was not aware, until I heard it stated here to-day, that one-third of our vessels engaged in the fisheries were over 100 tons. My own impression is—and I have had large opportunities of seeing these vessels for the last 30 years—that the vast majority of them are under 100 tons, and that the law will not apply to them. In the County of Lunenburg, a county in Nova Scotia which has certainly one of the finest classes of fishing boats in that Province, I know there are some vessels—I would not say how many, but the hon. gentleman from that county should be an authority on that point—over 100 tons. I have, however, often seen 40 or 50 vessels coming into the one harbor, and I never saw one over 80 tons—that would be about the highest; I think the average of our fishing craft ranges from 40 to 80 tons. For my own part I am sorry that—so far as the vessels engaged in coasting are concerned—the principle of this law should not be extended a little lower than it is, because in the case of smaller vessels incompetency sometimes entails very serious loss. I remember a case in which my hon. friend from Charlottetown was concerned, and in which I acted professionally for him, some years ago in the County of Richmond. In that case, through the dishonesty of the master, who was the owner of his own vessel, he suffered considerable loss, and the same party not, perhaps, being liable to be punished very easily in a civil way, might, had he been under the operation of a law like this, by such misconduct have forfeited his certificate and his right to command a vessel. It would be one of the greatest guarantees the public would have, that that class of shipmasters having small coasting vessels, should be under the same restrictions as apply in this Bill to the larger vessels, as I fear the civil remedy is not a very easy one. If, however, the masters and mates of these vessels were obliged to take a certificate of some kind then they would be amenable to punishment, and it would be a great protection if they could be reached in that way. Therefore, I am sorry that the principle cannot be further extended in the way of securing by legislation, so far as is possible, competency in case of officers entrusted with the property of the public, and who are very often entrusted with the lives of the people because a great many of these small

coasting vessels, though not specially fitted up for carrying passengers, do so to a large extent.

HON. MR. PLUMB.—They carry their crew.

HON. MR. MILLER—Yes, and passengers as well; therefore it is the duty of the Government, in my humble opinion, to protect those interests as far as they can. Of course there may be some objection in regard to details; indeed the objection raised by the hon. gentleman from Sidney, I know from my own experience, would be a very serious one. I think it will be a very great hardship indeed on these people if they have to go any distance. In many instances that would entail an expenditure of five times the cost of the certificate. For instance, if they have to go from Arichat to Sydney it would entail a cost of $20, or thereabouts, upon the master or mate who had to take such a journey in search of his certificate, which would be a very severe burden; and it might often happen that his vessel would never be bound to the place where such certificate would be issued. Then I think the fee is rather large; it appears to me that one-half the fee now named would be sufficient. I do not suppose it is the desire of the Government to make any revenue out of the fees obtained from masters and mates for these certificates, and therefore the sum of $8, which is the proposed charge, is in my opinion rather a heavy one. These are matters that can be considered in committee. I am not sure that my view of it is correct; there may be reasons for fixing it at that figure, but we shall hear the explanation which the Government has to give. On the whole, the Bill is a valuable one and in the right direction, and instead of representatives from the Maritime Provinces having reason to oppose it, I think it is one to which they should give their hearty approval and support.

HON. MR. KAULBACH.—I hope the Hon. Minister of Justice will not refer this measure to the Committee to-morrow, but will give us a day or two to consider it. When referring to the County of Lunenburg I know whereof I speak, as I am largely interested in shipping there, and the size of vessels mentioned by me is quite correct. I think the Bill is in the right direction and I do not oppose it, nor do I think it is detrimental to the fisheries.

The motion was agreed to, and the Bill was read the second time.

SASKATCHEWAN & NORTH-WEST RAILWAY INCORPORATION BILL.

SECOND READING.

HON. MR. SUTHERLAND moved the second reading of Bill (74), "An Act to incorporate the Great North Western Railway Company."

He said: Although my name appears in the Orders as in charge of this Bill, I have not been spoken to by any party whatever in regard to it. Still, as I believe the measure is a bona fide one, and as many prominent names appear upon it, with the permission of the House I would move that it be read the second time. I have looked over the provisions of the Bill and find there is nothing exceptional asked for.

The motion was agreed to and the Bill was read the second time.

SETTLERS' PROTECTION BILL.

WITHDRAWN.

HON. MR. REESOR asked permission to withdraw Bill (M) "An Act for the protection of settlers on Dominion lands in Manitoba and the North West Territories."

He said: Since this Bill was introduced, I am more than gratified to find that a measure has been presented to the other House on the same subject, and that every representative from Manitoba—on both sides of politics—has approved of the principles which I desire to have incorporated, and which are contained in my Bill. The Right Hon. gentleman who has charge of the Land Bill has consented, according to the reports in the papers, that it may be amended in the direction I have indicated in this Chamber, and, therefore, with the consent of the House, I beg to withdraw my Bill, and I trust that the ground will be duly covered by the measure now in the hands of the Government.

The motion was agreed to, and the order was discharged.

GRAFTON HARBOR COMPANY'S BILL.

SECOND READING.

HON. MR. FLINT moved the second reading of Bill (42) "An Act to amend and continue in force the Act incorporating the Grafton Harbor Company, and for other purposes." He said: This is a Bill for the purpose of reviving an old Act. It appears that some number of years ago a Company was formed to create a small harbor at the village of Grafton, about 8 miles below Cobourg. The work went on for quite a length of time, and was finally sold to a private individual who carried it on for some time but finally sold it out to others. As that Company think they cannot legally carry on their business, they come to us for legislation to revive the old Act. As a matter of fact, it only affects the parties there, and I beg to move the second reading of the Bill.

HON. MR. MILLER.—Can the hon. gentleman tell me when the original Act was got, and where?

HON. MR. FLINT.—It was got in this House, or perhaps in the Parliament of old Canada; I do not recollect which. I see it was passed about 1855, so it must have been under old Canada.

HON. MR. MILLER.—Before reading this Bill a second time, I wish to call the attention of the House to the fact that it is evidently a Bill which should not come here. If the original Act of incorporation was obtained before Confederation, then it was under the old Parliament of Canada, and this Bill has no connection with any previous legislation of ours. This is to all intents and purposes a local act with a local object—an especial local object—and not only is the work a local one, but it is owned by an individual; a little harbor owned by one person, who, I presume, has a right to demand tolls from all who may use it. It is not one of the public harbors of the Dominion which are open to the shipping of the world. Therefore to my mind it comes within the powers of the Local Legislature and should not come here at all.

HON. MR. FLINT—If I understand the matter aright all the harbors lying on the navigable waters of Lake Ontario belong to the Dominion Government, and are under its control; therefore the Ontario Government would have no right to pass an Act with reference to this harbor. I believe that is the reason why these parties seek to obtain this Act here instead of going to the Local Legislature. The original Act was certainly given under the Legislature of the two Canadas, as they were called, but it was an Act of the then general legislature. I may be wrong, but I was under the impression that all harbors on our navigable lakes and rivers were under the control of the Dominion Government, and if that is so, I do not see any reason why this Bill might not pass; it is one in the right direction, though a very small one, and will be of much service to that part of the country. As I have already explained they have to go 8 miles to reach the harbor at Cobourg, on the one side, or 9 miles in the other direction. This particular place has been a harbor for a long time and all that is wanted now is to remove any doubt that may arise in reference to this matter.

HON. MR. MACFARLANE—What is the character of the shipping frequenting it?

HON. MR. FLINT—Chiefly schooners, but a steamer may call occasionally.

HON. MR. BOTSFORD—I think we passed a similar measure in respect to a harbor which had power under a local act to impose fees. If I recollect right this is a similar measure and it is within the purview of the Dominion Parliament in consequence of its being really a harbor.

HON. MR. MILLER—I recollect the case to which the hon. gentleman refers, but there was a strong prejudice in the House when that Bill went through, and it was not at all the judgment of the Senate, so far as my memory serves me, that the Bill was properly brought here. I think that there was previous legislation in this Parliament on that Bill, and that was the main reason why it passed through. But this is evidently a piece of private property: it is a piece of land covered with water, owned by an individual, and

not a public harbor at all. It is not necessarily under the control of this Parliament. I do not oppose it if the hon. gentleman presses his motion, but I think it is well to call attention to the fact that it is hardly legislation for this Parliament. The hon. gentleman admits that the property was owned by one individual, and that he has sold it to a number of individuals.

Hon. Mr. FLINT—I admitted that it was first a company under a charter, that they finally sold it to this one gentleman, and since that he has sold it to another company which has been formed there; and the object of this Bill is simply to place them in a position where they will be safe as a company.

Hon. Mr. REESOR—I beg to remind the hon. gentleman from Richmond that several years ago a great number of the harbors on Lake Ontario were sold to private companies or individuals. Yet they were always considered and maintained as public harbors, and passing vessels have just as good a right to go into them as into any harbor under the control of the Government. It is the same as a public harbor; they may be under the control of companies just as highways are often held by companies. The harbor under discussion is, I have no doubt, one of the class to which I refer; the Whitby Harbor is one, and if I mistake not the Oshawa Harbor is another. Several such harbors were sold to companies many years ago, and there has been legislation in regard to several of them since that time. As I understand the constitutional matter, these harbors would come under the control of the Dominion Government and Parliament.

Hon. Sir ALEX. CAMPBELL—There is, no doubt, great force in the objection raised by the hon. gentleman from Richmond, and I hope the Committee to which it will be referred will see that the original Bill is produced, and it ought to be incorporated in this. It is very unsatisfactory to enact, as is proposed to be done in the first clause:

"That the Company shall hereafter be known as, and called, 'The Grafton Harbor Company;' and the Act incorporating the said Company is declared to be in full force and effect."

When Parliament is not informed what that Act was, its construction or anything about it. I think great care should be exercised before passing this Bill, to see that we have legislated before, in this Parliament, upon a similar subject. If it is merely an Act of the Province of Canada, then the Bill would stand on another footing, but still this House could properly pass it. The hon. gentleman from Richmond has probably not seen a recent decision given by the Supreme Court in reference to this question of harbors. A question came up there with reference to public harbors—what were and what were not to be so considered. The Supreme Court came to the conclusion, apparently, that every harbor to which the public resorted was a public harbor, even if very few vessels went there. If that decision is to be assumed to be correct, and I have no reason to doubt it—at all events it is the law for the moment—then the harbor of Grafton is a public harbor, because vessels do resort there. It is a decision which certainly rather startles one, but still it may be quite correct. Before that opinion was given, we had gone upon the idea that to make a harbor a public harbor, public money should have been expended upon it, but this decision says that any harbor to which vessels resort is a public harbor.

Hon. Mr. MILLER—Not if it is held by a private individual, I presume?

Hon. Sir ALEX. CAMPBELL—No, it does not touch upon that question of the ownership of the harbor. It speaks generally as to harbors being public harbors, because vessels go into them.

The motion was agreed to, and the Bill was read the second time.

PATENT ACT AMENDMENT BILL.

THIRD READING.

Hon. Sir ALEX. CAMPBELL moved that the House resolve itself into Committee of the Whole on Bill (O), "An Act to amend the Patent Act, 1872."

He said: The hon. gentleman from Amherst desired, when this Bill was read the second time, information as to the decision to which I referred, and I think also asked for an opportunity to consider

the Bill more carefully than we were doing at that moment. The decision to which I referred was given by the Circuit Court of the United States, for New Jersey, and was substantially to the effect stated by me, viz: that a patent applied for in the United States and granted there for 17 years, has always in it a clause saying that if the same thing has been patented in a foreign country, then the patent in the United States, although for 17 years, nominally, shall expire with the expiry of the patent in such foreign country. So that a Canadian taking out a patent in this country for five, ten or fifteen years, and also in the United States for 17 years, finds that the patent in the United States terminates on the expiry of his first period of patent right in this country, viz: five years. The present amendment is to remedy that difficulty. In the concluding portion of the judgment to which I have alluded, the following passages occur:

"The question is an interesting one, and has already received examination and answer in other circuits. It first came before the late Justice Clifford, in the first circuit, in the case of Henry vs. Providence Tool Company, decided in 1878, and reported in 14 O. G. 855. In that case the United States patent had been issued under the Act of July 8, 1870, for the full term of 17 years, although at the time of the grant there was an English patent for the same invention in force, which had been granted to the patentee in Great Britain for 14 years, from the 15th November, 1860. The defendants claimed that the United States patent expired, by operation of law, at the same time with the English patent. The complainant, on the other hand, insisted that the language of the statute extended not only to the term of the foreign patent in force when the United States patent was obtained, but also to the term of any prolongation which the patentee might secure from the foreign government; and that, as he had obtained an extension of four years to the original term, the owners of the domestic patent were entitled to add these four years to its life. Judge Clifford refused to accede to such a construction of the law, but, on the contrary, held (1) that by the provisions of the Act of July 8, 1870, Congress never intended to extend the term of the domestic patent beyond the legal term secured to the foreign patentee when the domestic patent was granted; (2) that the prolongation of the English patent for a further term, after the expiration of the original, did not save the domestic patent from lapsing under the statute. He was followed, in this construction of the section, by Judge Blatchford, of the second circuit, in 1879, in the case of Reissner vs. Sharp, 16 Blatchf. 383. A patent had been granted by the United States, on the 20th October, 1874, for 17 years from that date. It appeared that, under the authority of the patentee, letters patent had been previously obtained in Canada, for the same invention, for 5 years from May 15th, 1873. After careful consideration, the learned judge held that the United States patent expired on the 15th May, 1878, although it appeared that in March, 1878, the Canadian patent had been extended for five years from May 15th, 1878, and also for five years from the 15th of May, 1883."

That is a case shewing that a patent under the law as it now stands, expires with the first period mentioned in the existing patent, and this Bill proposes to remedy that by saying that the patent shall be substantially for 15 years, provided that at the end of five years a further fee is paid; so that the alternation enables the patentee to have the benefit of the full period in his patent, and to keep the full patent of 17 years in the United States. He does that by the payment of additional fees at the end of each five or ten years.

HON. MR. HOWLAN, from the Committee reported the Bill without amendment.

The Bill was then read the third time and passed.

CUSTOMS AMENDMENT ACTS AND CONSOLIDATION BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (34), "An Act to Amend and Consolidate the Acts respecting the Customs."

He said: This is a Bill of some length —247 clauses,—but, really, most of them do not involve any important changes. I have a list of the clauses which are new and altered printed and laid on the table, and I hope the length of the list will not alarm hon. gentlemen, because there are none of them important, and all tend to facilitate the administration of the Customs laws. It has been found in the administration of these laws that it is very necessary to have everything precise, and to have power sufficient to enable officers to deal with a variety of cases, and to aim at precision to a greater degree than is necessary, perhaps, in any other branches of the service. I do not think it necessary to go

into the details of the Bill now. The various clauses, and the changes proposed, I will be able to discuss in committee, and I hope to satisfy hon. gentlemen that they are all in themselves reasonable, and should commend themselves to the favorable consideration of the House.

The motion was agreed to, and the Bill was read the second time.

PACIFIC AND PEACE RIVER RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. MILLER moved the second reading of Bill (64) "An Act to incorporate the Pacific and Peace River Railway Company."

He said: This is a bill that I took charge of when it came up from the other House, more as an act of benevolence than from any sense of duty, and I have to inform the House now that I do not know anything at all about it, but I am in a position to say that my hon. friend from Manitoba, who is here, understands all about it, and he will be able to give the House any information that may be desired. However, my intention was if nobody had spoken to me on the subject, to have moved that the order be discharged and that the second reading be fixed for another day, and that then if no one took charge of it to let it drop; but since I have been in my place my hon. friend from Manitoba has spoken about it and says it is a Bill which he is interested in, and will be prepared to give explanations about. It is not an exceptional Bill. It is one of a class that we have seen a good many of here. It is a railway bill, and they are all very much alike; there is a family resemblance about them, and they generally go through without much difficulty, especially since my hon. friend beside me (Mr. Dickey) is not now chairman of the Railway Committee. He used to take, I will not say a malicious pleasure, but very great pleasure in adding to them (I will not say mutilating them) and giving the House the benefit of his very great experience in a large number of amendments, which, no doubt, the House appreciated.

HON. MR. SUTHERLAND—I wish to put my hon. friend right on two points. In the first place he said I was very well acquainted with the tenor of the Bill: I may say it is only to-day that I was asked to look after it, and I have only just now looked over it. On another point he is also mistaken; he said that I was interested in the Bill.

HON. MR. MILLER—I mean interested in carrying it through the House.

HON. MR. SUTHERLAND—As far as I have noticed the Bill there is nothing exceptional in it. As the hon. member from Richmond has said, there is a very great family resemblance between all those railway bills.

The motion was agreed to, and the Bill was read the second time.

RAILWAY TRUST AND CONSTRUCTION COMPANY'S BILL.

SECOND READING.

HON. MR. SIMPSON moved the second reading of Bill (41) "An Act to incorporate the Dominion Railway Trust and Construction Company of Canada (limited)."

He said: This Bill is to incorporate a number of gentlemen in London, England. I saw the Bill in manuscript, and I told one of the principal promoters that I thought the House of Commons, and I was sure that this honorable body, would never pass it in that shape. It was changed and brought into the House of Commons, and referred to the Banking Committee, who said that they would not father the Bill, and then it was sent to the Private Bills Committee, and they made some progress with it, but could not get it into shape. They then appointed a sub-committee, who spent some time over it. It has been pruned and changed a good deal, but whether it is all right yet or not I cannot say. The intention of the company is to operate largely in Manitoba, and I believe that some of the members of it have already very considerable interests there. They have got it into their heads that Manitoba is to be the Eldorado of the world. They ask for a capital of $5,000,000. Their head office will be in Toronto, and their principal office will be in Winnipeg, or somewhere in the North-West. The Bill, I

believe, passed the lower House by a unanimous vote. I understood that Mr. Blake took exception to it, but his objections were met satisfactorily. I may say also that the Bill was brought before the Privy Council. I took the liberty of sending a copy of it some days ago to the leader of this House, who objected to some of the clauses, but he consents to allow it to go to the Committee. He has proposed two amendments, which, I think, are very reasonable. One of the clauses to which he objects to is, I think, a very silly one. It gives the Company power to open branches in England. I do not think we have any right to legislate for the Home Government. I do not know the principal promoter, Mr. Codd. He would like to be here to-morrow; but it is impossible, as he has a very important law suit going on in Toronto, and cannot atttend the meeting of the Committee. My intention is to move the second reading of the Bill now, and to ask to have it referred to the Committee on Standing Orders and Private Bills.

HON. MR. MCMASTER—I think this Bill contains some provisions of a very exceptional character. It provides for going into all descriptions of business. The 8th clause is as follows:—

"The Company shall have power to enter into contracts and agreements with any corporation, municipal or otherwise, or any person, for the constructing and equipping of railways, steam and other vessels, canals, telegraph and telephone lines, bridges, warehouses, elevators, docks and other public works; and to assist contractors therefor, either by becoming security for the due fulfilment of their contracts, or by advancing the money required as a deposit for the faithful fulfilment thereof, or for the carrying on and completing of any contract, and to take and enforce any assignment, security or pledge taken from any such contractors, or any corporation or person, and to complete any such contract, and to import, deal in, and manufacture all things necessary for the construction, running and operating of railways, canals, telegraphs, telephones, bridges, warehouses, elevators, docks and other public works; the said Company shall also have power to construct, build and equip all such works and undertakings in conformity with such contracts and agreements for and on behalf of the corporations or persons authorized by the laws of Canada to build, construct, equip, maintain or operate the same, and under the authority of and in conformity with such laws, in the name of the Company hereby incorporated or in the name of the corporation or person contracted with, as may be agreed upon in contracts respecting the same."

Although the capital is $5,000,000. all they are required to pay up before going into operation is $75,000. It is a very small capital indeed for any one of the businesses in which they propose to engage. Then the 13th clause gives the company power to borrow on debentures to the extent of 20 per cent of their subscribed capital paid up. This is a very exceptional clause. Some of our strongest companies in the west, who issue debentures have to base them on real estate. Under this Bill the parties can issue debentures upon a capital of which only 20 per cent is paid up. It is exceedingly objectionable, especially in view of the extent to which this company intend to carry on their operations. I do not intend to oppose the second reading, but I think the Committee ought to look carefully into these clauses.

HON. SIR ALEX. CAMPBELL—I quite agree that this Bill should be looked into very carefully, and I have made some suggestions for my hon. friend's consideration which will render it more safe than it is now. Under the 8th clause they are empowered to make contracts and agreements with persons authorized to "build construct, equip, maintain or operate the same." That language is used in the 25th line, but it should be used in the third line also and then it would limit this Company to making contracts with companies authorized by law to construct these works. By making this change it would be safer, inasmuch as this company could only contract with persons or corporations authorized by the laws of Canada to build construct and equip lines of railway. I quite agree also that the powers of borrowing are altogether too extensive. It enables them to borrow on 20 per cent. paid up, and that is unsafe, and might redound to the discredit of the country. There is a verbal amendment also required in the first clause; the words "their respective heirs executors, curators, administrators, and assigns" should be struck out.

HON. MR. MILLER—The Bill altogether has a bad appearance. The capital is five million dollars and on that capital they are to be at liberty to open offices

in England, and carry on operations there. By the 12th section they are empowered to open offices in England, and it is probable that under cover of this Act they would borrow money in England which might not be properly appropriated, especially as the directors have power to do everything, and their responsibility is very limited indeed under the terms of this measure, which might in the end perhaps redound very injuriously to the country. I read the Bill very carefully, and I think from beginning to end it will require the careful consideration of the committee to which it will be referred. Considering the experience which the Banking Committee have in dealing with Bills of this kind, although this one is styled "Railways Trust and Construction Company," it will be as well, at any rate in the first instance, if not altogether, to refer it to that Committee, and I trust my hon. friend, if the Bill is read a second time, will have it so referred. I was very glad to observe the diffidence with which he proposed its second reading. He evidently did not wish to assume much responsibility for it, and his speech was more against the Bill than in its favor, and, I believe, has killed the Bill instead of enlisting sympathy for it. I do not propose to oppose the second reading, but I think it is necessary that the attention of the House should be called to its character, that the Committee to which it may be entrusted may see that when it comes back to the House—and I think it very doubtful—it will be in a different shape.

HON. MR. PLUMB—This Bill certainly is of a most extraordinary character. The first thing which strikes one is that it proposes to incorporate a company with five million dollars capital, and that it shall go into operation when $75,000 are paid up. It also empowers the company to borrow money on debentures, and gives other large powers. I trust that the Bill will receive the careful consideration of the Committee to which it will be referred. It does strike me that the powers which are asked for, in the way they are sought here, should make us hesitate to grant them.

HON. MR. SIMPSON—I have no objection to referring the Bill to the Banking Committee; in fact I preferred doing so in the first place. In the other House the Banking Committee would not take it up, and it was sent to the Private Bills Committee, but I think the measure will be as well dealt with by the Banking Committee of this House as any other Committee. I think, however, the hon. gentleman from Richmond is wrong in saying that my remarks were more against the Bill than in its favor. If the Bill is allowed to be read a second time, I will send for the principal promoter, and let him make any explanations which may be considered necessary.

The motion was agreed to and the Bill was read the second time.

NORTHERN, NORTH-WESTERN & SAULT STE. MARIE RAILROAD COMPANY'S BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (16), "An Act to amend the Act to incorporate the Northern, North-West-ern and Sault Ste. Marie Railway Company, and to change the name of the said Company to the Northern and Pacific Junction Railway Company."

The motion was agreed to and the Bill was read the second time.

THE CUMBERLAND COAL & RAILROAD COMPANY'S BILL.

THIRD READING.

HON. MR. MACFARLANE moved concurrence in the amendments made by the Committee of Railways, Telegraphs and Harbors to Bill (71), "An Act to incorporate the Cumberland Coal and Rail way Company."

He said: This Bill comes from the Railway Committee where it has been subjected to a very considerable pruning, and amendments were incorporated which are on our minutes. They are not of a very important nature though they are extensive. The Committee have added some considerable powers and restrictions to the Bill and have made alterations in several of the clauses. The principal one, however, is a clause which has been entirely changed. The Committee considered

that the 12th clause was not sufficiently restrictive, and did not give proper protection to the shareholders, and they substituted for it an entirely new clause. These changes were consented to by the promoters of the Bill in the other House, and while the measure will enable the Company to carry out their operations it also contains sufficient restrictions to guard the public interests.

HON. MR. DICKEY—I have no desire unnecessarily to obstruct the progress of this Bill; on the contrary, I think it has already been subjected to a very searching investigation. I should like to call my hon. friend's attention to the fact in the first place that there is no provision in these amendments nor in the Bill itself for subjecting this purchasing company to the obligations of the company whose rights they are about to acquire.

HON MR. MACFARLANE—I think that would be placing unnecessary restrictions upon the Company. This Springhill and Parrsboro Railway, which this company proposes to purchase, has been sold out, or is being sold out, under foreclosure of the bonds. The persons having those claims will still retain their rights. A clause such as my hon. friend from Amherst proposes would hamper the company very materially. They propose to operate very extensively in that county and require borrowing powers. I do not see anything to be gained by the proposed amendment. This Spring Hill Company have been operating there for ten or twelve years, and any liabilities they may have had have been arranged for.

HON. SIR ALEX. CAMPBELL—This Bill does not relieve them of these liabilities.

HON. MR. VIDAL—This is not a Bill authorising an amalgamation by any means, but is simply to authorise this Company to purchase—say at sheriff's sale.

HON. MR. DICKEY—I understood my hon friend that this matter of the debts of the Company will be the subject of judicial decision, and in that case the interests of creditors will be protected.

The motion was agreed to, and the Bill was read the third time.

WINNIPEG AND HUDSON'S BAY RAILWAY AND STEAMSHIP COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (88), "An Act to unite the Winnipeg and Hudson's Bay Railway and Steamship Company and the Nelson Valley Railway and Taansportation Company into one corporation, under the name of 'The Winnipeg and Hudson Bay Railway and Steamship Company."

He said: The Bill is for the amalgamation of two railway companies which have the same objects in view, and it was considered very desirable that they should be permitted to amalgamate and bring their whole force to bear upon the opening of that important part of the North-West from Winnipeg to Hudson's Bay.

The motion was agreed to, and the Bill was read the second time.

RAPID TELEGRAPH COMPANY'S BILL.

THIRD READING.

HON. MR. POWER moved concurrence in the amendments made by the Committee of the Whole House to Bill (I) "An Act to incorporate the Canadian Rapid Telegraph Company (limited)."

HON. MR. DICKEY—I don't intend to enter into further discussion of this Bill, but the House will recollect that I took a very strong ground against the passage of this Bill because it asked for powers beyond those mentioned in the petition. I observe that in another place a Bill respecting the Northern Railway of Canada, under similar circumstances has been under consideration by the Railway Committee of the other House. On that occasion an hon. member moved to add three clauses to the Bill. Exception was taken to that course by a gentleman of very high standing in the House and in the country on one side of politics, Mr. White, of Cardwell, who raised a point of order that the committee had no right to consider the bill, as no notice had been given in the petition asking for the bill of powers such as these clauses proposed to

confer on the company. If these clauses had been in the bill when it came before the Standing Orders Committee that committee would have reported to the House that the notice contained in the petition was insufficient, and sufficient notice would have been required before the bill had been considered, but if the principle were adopted that they could embody in bills of this kind large amalgamating powers without proper notice they might as well abandon their standing orders altogether. He therefore objected to the committee proceeding with the discussion of the bill.

He was followed by a gentleman on the other side of politics equally eminent, Mr. Blake, who read the notice contained in the petition asking for the Bill to show that no such powers had been asked for as those which it was now proposed to embody in the Bill, and said that the rules of the House require notice distinctly setting forth all the powers asked for in a Bill. If it was permissive in introducing a Bill to leave out important clauses and to thus gain a decided advantage, they would be thus doing one of the very best things they could for the promoters of Bills. He read a telegram which he had received from Mr. Edgar, of the Midland Railway, to the effect that he and Mr. Gooderham would like to be heard by the Committee before the Bill passed, and said that, under the circumstances, he would support Mr. White's objection, which he considered to be well founded.

That was exactly the argument which I used. The result of it was that after some further discussion, at the suggestion of Sir John Macdonald, the consideration of the Bill was postponed until Tuesday next, and the Committee adjourned.

After the stream of obloquy which was heaped upon my head for venturing to raise this point on this particular Bill, to which the House condescended to listen, it is a consolation to me to find that the contention which I then made has received the sanction of the highest legal authority in this House, the Minister of Justice, and that his position has been confirmed by an equally eminent authority in another place. Had this been known, possibly it might have affected the views of hon. gentlemen, but I must say that having had this brought to my notice, I have very great satisfaction in knowing that the course which I proposed had been anticipated by eminent men in that Chamber.

HON. MR. MILLER—I do not think that it is usual to adopt the course which has been pursued by the hon. gentleman, to use arguments which have been made in a committee of the other House to influence our decision here, especially when we are not possessed of the immediate facts in connection with that case. Now, it may be that the facts in regard to which those distinguished gentlemen spoke were not on all fours with the facts in this case, and that must be established in order to show that their opinions on that occasion are applicable here. I admit myself that it is very undesirable that frequent relaxations of our rules should occur, and I must say that the chief difficulty I had in voting for this measure was, in the first place, that no notice of it had been given, and that the Bill contained clauses very different from the objects expressed in the petition. I felt so strongly on that point that although I was in favor of the principle of the Bill, I hesitated for a long time, and it was not until the last week or so that I could give it my support, because it was radically different from what was asked for in the petition which had been presented to the Committee under a suspension of the rules of the House. But it must be recollected that the change was not likely after all (and that is the chief object to be looked at in these cases) to clash with any important interest. The rules of our House say that it is the duty of the Standing Orders Committee to report to the House when the provisions of a Bill are different from the objects set forth in the petition, in order that the House may be seized of the facts in difference and that it may pass a deliberate judgment on the Bill as it comes before them in connection with the circumstances of its introduction. Now, it cannot be contended that any injustice was likely to accrue from the amendments which were made to this Bill in the Committee on Railways, Telegraphs, and Harbors because all the parties who were likely to be interested could, within 24 hours after the introduction of the Bill in the Senate, be in possession of all the information they required on the subject. There is, therefore, a difference between this and the

case of the Bill before the Railway Committee of the other House, because the argument was in that instance that new clauses had been published only a day or two before in the Toronto newspapers, and that notice was not sufficient.

At six o'clock the Speaker left the chair.

After Recess.

HON. MR. HOWLAN resumed the debate.

He said: The very best argument against this Bill was advanced by the hon. member from Richmond, himself, when he said that our rules had been broken. He is in most cases a great stickler for adhering to the rules, He knows that in this case they have been peculiarly evaded and that the subject-matter of the petition is not the subject-matter of the Bill. They are very distinct. I was surprised and amused at the way he got round it. He said there was no person injured by it. I say that it injures several persons. He says that the telegraph companies were in a position to obtain all necessary information on the subject the moment the Bill was introduced. It is to be presumed that the solicitors of the telegraph company are very well versed in parliamentary usage, and they would naturally expect that a Bill calculated to do them serious injury would not be passed by Parliament without regard to the rules which apply to other measures. What is this Bill as it stands now? It is not, properly speaking, a Telegraph Bill, it is a Telephone Bill and, as such, interferes with the rights of all the telephone companies in Canada. We were told when a proposition was made to limit the time for commencing operations to one year, that possibly they might be restrained by an injunction from doing so. It is clear, therefore, that the promoters of the Bill anticipate the contingency of having the rights for which they are applying contested in a court of law. It is hardly an excuse for the course which we are pursuing here to say that the telegraph companies were warned that this Bill was before Parliament. If the telegraph did warn them, no doubt they came to the conclusion that even if the Bill should pass this House, there would be a parliamentary course followed in the other Chamber, and they would be given proper time and opportunities to defend their interests. We give the corporators in this Bill vast powers—not merely to build, lease and purchase lines, but we give them all other rights and privileges which may arise in electrical science. I have neither seen nor heard any description of the particular discovery which this Company expresses its intention to utilize. For aught we know to the contrary, we may be infringing on patent rights by this Bill. We cannot tell what important discoveries may be made before Parliament meets again, and we may be giving this Company the right to use it. When this measure goes to the other House and is submitted to a Committee there, what will be the first objection? That the preamble of the Bill sets forth one thing and the Bill states another. In the Imperial Parliament they not only refer such measures to a Committee on Standing Orders, but they have also an examining committee who examine every Bill to see that it is in accordance with the preamble. If a Bill is not in accordance with the petition for it, the course has always been to call attention to the fact, and the House refuses to read it. In this case I doubt very much if any gentleman connected with the Standing Orders Committee or the Railways and Telegraphs Committee had the most remote idea that this was a Telephone Bill. It cannot be anything else now. The Province of Prince Edward Island has been referred to. Everyone knows that the Western Union has rights to Sackville and the Anglo-American from that point to the Island. It is out of the question to suppose that any company can get rights over the lines of either of those companies, so that it is absurd to make the position of Prince Edward Island a reason for this exceptional legislation. I say that every telephone company and every telegraph company has a particular interest in this Bill. The hon. member from Richmond has explained that he, himself, had doubts as to the propriety of this legislation, but that they were removed by the fact that the telegraph companies received all necessary information by telegraph. That is the only ground on which he differs from me. I think it is a very poor reason for establishing the bad precedent of passing a Bill which is en-

tirely different from the measure sought for in the petition. I have, at all events, done my duty in opposing it.

Hon. Mr. VIDAL—I should not be disposed to trespass on the time of the House were it not that I considered the remarks of the hon. gentleman from Alberton, and the hon. gentleman from Amherst, contained very severe reflections upon the actions both of the Standing Orders and Private Bills Committee, and the Railway Committee, of both which Committees I happen to be a member. We are obliged to admit that there has been a departure from the ordinary rules which govern the procedure in this House on such occasions, but that departure was taken deliberately, and with full knowledge of what was done, and not without weighing carefully the objections which ought to influence the minds of members of the Committee before they would venture to recommend to this House a suspension of any of the rules. What are rules for? Are they cast-iron regulations which are to interfere, to hinder us from doing an act which we might otherwise consider to be good? They are for the protection of outsiders whose interests may be affected by the legislation proposed. If then the Committee becomes perfectly satisfied from the information before it, and the evidence and arguments adduced by persons opposing the Bill—if after hearing all these things the Committee considers it right and fit to recommend a suspension of the rule because no other interests are to be affected but those represented before it, then everything which is intended to be guarded by the publication of a notice has actually been done. The parties interested have the knowledge that this legislation is being sought. They are represented before the Committee by accredited agents. They are all able to bring forward any arguments they like to show that the Bill should not pass. I hold, therefore, when everything to be effected by the rule has been done, that rule is virtually complied with. I do not attach any importance to the objection which has been made to the action of the Committee and the setting aside of the rule which requires notice. Now, with reference to the other point, where the Railway Committee also is impliedly censured because there are clauses in this Bill which were certainly not asked for in the petition —I admit that fact, but while I admit it I contend that these clauses were put there in the public interest, not in the interest of the persons seeking this incorporation, but because the Committee thought the powers which were about to be extended to them required to be guarded by the same legislation that has been used for other telegraph companies. It is not then at the instigation or in the interests of persons seeking incorporation that the Bill differs in its provisions from what was asked for in the petition. I think on giving full consideration to these two things that the action of both Committees is justified to this House, and that in no way has the suspension of the rules brought any inconvenience or done any wrong to any body; that the increased provisions of the Bill so far from doing any injury have been put there for the public good. When these gentlemen intimated to the Committee that there was a new discovery in electrical science which they wished to utilize, they certainly did not intend us to understand that they would land on the shore of Prince Edward Island and go no further. It was clearly understood that in asking to utilize the new discovery it necessarily implied the carrying of messages to other places, and the Maritime Provinces were spoken of at first. Consequently the Committee, the majority at all events, believed that the powers asked for by the petitioners, if not expressly mentioned in so many words, are really contained in the petition which they presented, and in the short Bill which they at first submitted for our consideration. The other clauses were added to bring this Bill into harmony with the legislation which Parliament has granted to other telegraph companies. I should like to know on what ground the hon. gentleman could object to this Bill if no notice had been given! Is it not in the public interest? If they can carry out this scheme and deliver messages at one-fourth the present cost will it not be an advantage to the community? Does any hon. gentleman think that we are bound hand and foot to the existing telegraph company, that they may charge just what they like and that though advance in electrical science may enable them to transmit mes-

sages at half cost the public are not to get the advantage of it? That is the natural tendency of the arguments against this Bill. It is a measure for the public good, to cheapen the transmission of messages by telegraph. It injures no person. It has not been shown, it has not even been alleged, that any private rights have been encroached upon. If a monopoly exists it is carefully guarded in that Bill that it shall not be interfered with. In every way it appears to me a most unobjectionable Bill, and I trust that it will meet with the sanction of the House.

HON. MR. MILLER—I do not think that either of the two hon. gentlemen who have addressed the House have any desire to misrepresent me, but certainly both of them have done so, particularly my hon. friend from Alberton, who said that I admitted that the rules of the House had been broken. I never made any such admission, or intended to make any such admission.

HON, MR. HOWLAN—What I stated was, that you acknowledged the fact that the Bill was not in accordance with the prayer of the petition.

HON. MR. MILLER—Of course I did, but that was not the language which the hon. gentleman used. He said I admitted that all the rules of the House had been broken: I did not admit that a single rule of the House had been broken. I stated that I was not on the Committee, but I presumed that the Committee had good grounds for the suspension of the rule. I do not look upon the suspension of the rule as any breach of the rule, and I do not want it to be understood that I admit that there was any breach of the rule, or that I am casting any reproach on the Standing Committee, who, I stated, I considered had good grounds for acting as they did. What better proof could I give that I am not censuring the conduct of the Committee, than the fact that I was prepared to vote, and did vote, for the amendments reported from that Committee.

HON. MR. VIDAL—I was not referring to the hon. gentleman at all.

HON. MR. MILLER—The explanation I was going on to give before the adjournment was to show that I considered the benefits to be derived from legislation of this kind, if the project can be carried into practical operation, were such as to weigh in my mind against any want of compliance with the rules which we have been called upon to overlook or suspend during the passage of this Bill. I have always been opposed to telegraph monopoly; I have always felt a great deal of sympathy for Prince Edward Island as being the only place in this great Dominion in which this monopoly exists, if it does exist. There is some question as to whether it does exist; at any rate this Bill protects vested rights if there are any. I have always felt disposed to go as far as I could to give every facility possible to any company that would break up that monopoly and give the people of that Island such telegraphic advantages as are enjoyed in other parts of the Dominion. That was my principal motive in supporting this Bill, and I regret that it had necessarily to come before us, not in violation of any of the rules of the House, but not in accordance with the rules of the House—that the petition and notice were not as full as they should have been. But all those things have been overlooked by the House, and it is for the House, under our own rules, to say whether the circumstances of the case justify the suspension of the rules in a matter of this kind.

HON. MR. HOWLAN—After the discussion we have had on this Bill, supposing a similar petition were to come in before the Standing Orders Committee, with the full knowledge that now exists, would he permit such a Bill to be introduced, on that petition, without proper notice?

HON. MR. MILLER—Yes; I would be disposed to do so, under the circumstances. Had that petition come regularly before the Committee, and had the Bill emerged from the Committee as we have it now on our table; under all the circumstances connected with this case, and with the views I hold with regard to this great monopoly against whom this legislation is directed, I should certainly support the Bill.

HON. MR. HOWLAN.—I think we shall live long enough to see the hon. gentleman change his views as to the propriety of such procedure. I think he would have been the last man on the Committee, if he had been a member of it, who would have waived the notice required by the 61st rule. The Standing Orders Committee had no other information before them as to the Bill than that contained in the petition that there were some extraordinary discoveries in electrical science, which this Company wished to utilize; this was all the petition asked for. I say it is a bad precedent we are now adopting, and one that will be regretted if we allow people to present petitions as a mere formality before our Committees, and bring in bills for something entirely different from the prayer of the petitions.

HON. MR. MASSON—I happened to be present on the committee myself, and I know very well that if the Bill had been proposed in its present amended form, without proper notice having been given, I think that the sense of the committee would have been not to entertain it at all, because I remember very well when the question was put to the promoter of the measure, "How is it there has been no notice given?" the answer was that the invention which they proposed to utilize had been discovered too recently to allow of the proper notice being given, and it was only on that explanation being given that the committee consented to dispense with the rule. For my part, had I thought the Bill was not exclusively for the purpose of utilizing the discoveries and improvements referred to in the petition, I should have hesitated before allowing any company to come in the face of our rules and ask Parliament for an act of incorporation, without giving the required notice. It is all very well to denounce monopolies; I am opposed to monopolies, but there is a regular way of getting rid of them. This may be a very favorable case in which to break through our rules, but to-morrow the case may be a different one; and it would be better far to postpone this measure until next year than to establish a precedent that we may have every reason to regret.

HON. MR. PLUMB—As I was one of the Committee referred to I deem it proper to state briefly why I did object to this Bill. I have great respect for my hon. friend the promoter of this measure, and it is always embarrassing to oppose any measure of this kind where a prominent member of the House is one of the corporaters. It is always painful almost, because it seems like an unfriendly act; but when this Bill was presented it was represented that it was to enable the corporaters to utilize a new discovery—a discovery so recently perfected that it was impossible to have got the Bill through Parliament in the usual way this session. We were told it was a new method for operating telegraphs which this company was to avail themselves of, and they claimed special exemption on that account. The hon. gentleman, however, has been very careful not to give us an idea of the method by which this rapid transmission of messages is to be done, which, in Ariel's words, is to put a girdle round the earth in forty minutes—or less.

HON. MR. CARVELL—I gave a sketch of it on Friday.

HON. MR. PLUMB—But an amendment has been brought before us to authorize the Company to erect, maintain and operate lines of railway in Canada—an addition to the prayer of their petition, which was solely for an act to incorporate a company to utilize an improvement in telegraphy—and their entire claim upon the sympathy of the Committee was that they desired to free Prince Edward Island from the telegraphic monopoly. A most touching appeal was made for Prince Edward Island by the promoter of the Bill, and we were asked for "such a little Bill" for the purpose of connecting those three provinces, and for that object to allow a suspension of the rules. But now those gentlemen come forward and ask us to charter them as a telegraph company, for the purpose of competing with a gigantic monopoly with a capital of millions. This little company, with the modest capital, my hon. friend speaks of, is supposed to represent a power which is going to compete with this monopoly, and to reduce the cost of telegraphy not only in Canada but in the United States. Nothing can be imagined that can be more inadequate to the task it has undertaken; it is like "a pennyworth of bread

to five gallons of sack." Nobody for one moment can suppose that a company with so small a capital can effect a decrease in the cost of telegraphy. I would have been glad to see the present monopoly broken down. I was not in favor of having the system established that is dominant over us now, and if I could see any practicable way open to us for breaking it up, I certainly would be one of the first to advocate it But I do not see in the manner in which this Bill has been brought before us, nor do I see (I say it with all respect, and without any intention of giving offence) in the names of the corporators any kind of guarantee that we shall be any better off by the organization of this new company than we were before. I am not a prophet, nor the son of a prophet, but I know that a company like this cannot effect that object. I do not intend to run any further against what I know to be the current of opinion in this House; I do not intend to provoke a division on this question again, but I think it is due to myself, as one of the Committee who have had this Bill under discussion, to say that I have not, from the beginnlng, had any confidence in this measure, on account of the very peculiar method in which it has been brought before, us and the tactics that have been adopted to put it through the House. I do not know what its fate will be in the other Chamber; here it has been settled by the decisive vote of Friday last. However, if my hon. friend can succeed, with his capital of $50,000—

HON. MR. CARVELL—I know the hon. gentleman does not wish to misrepresent me, or to misrepresent the Bill, but if he reads it he will find the capital at first shall be $100,000, and the company have power to increase it to an unlimited extent.

HON. MR. PLUMB—They always do, but they will be a company when they have $50,000.

HON. MR. CARVELL—There is no $50,000 in the Bill at all.

HON. MR. PLUMB—The capital stock of the company shall be $100,000, which is to be the gigantic force that is to bring down the price of telegraphing in this country, against a monopoly whose power we would be all glad to see diminished. But this company will laugh in their sleeve when they get their charter; there is nothing in the Bill to oblige them to increase their capital, and they can go into operation on a paid up capital of $50,000. This is the inadequate provision which is made for fighting a great monopoly which we would all like to see broken down, and it only convinces me that we have not yet discovered the means by which to rid ourselves of the grasp that is upon our throats. It is not going to be done by any small company, taking messages of 20 body words for the price they propose here. In fact they cannot live and do it. It was an after thought. They did not propose it in the first instance, and that convinces me, if anything was needed to convince me, that we are almost trifling with legislation to allow such a Bill as this to go upon our statute book.

HON. MR. POWER—The hon. gentleman who has just sat down will have an opportunity, to-morrow, of proving his consistency, because we are to take into consideration another report from the Railway Committee in which is reported a totally different Bill from the one that was asked for in the petition. I think the points of order taken by the hon. gentleman from Alberton (Mr. Howlan), come too late. Some of those points were taken at the right time, on the second reading of the Bill, and some of the other points might have been taken before the Committee on Railways and Telegraphs. This monopoly, which claims not to have had notice, has had ample notice, and was represented before the Committee by as able counsel as could be found in Canada, and that counsel did not raise those objections, or at least did not press them with any great force. The hon. gentleman from Alberton, and the hon. gentleman from Amherst, would have been perfectly in order when the report of the Committee came first before the House to have raised objections then; but after the House have referred the Bill to a Committee of the Whole, and the Committee have gone over the Bill clause by clause and amended it, and reported it to the House, we have nothing to do with the questions of order now raised, as to want of notice and as to changes in

the Bill. We have to deal with the report of a Committee of the Whole now; if there had been any irregularities before, the action of the Committee of the Whole has removed them, and the only question is whether we shall accept the report or fnot.

HON. MR. DICKEY—I am rather surprised that my hon. friend from Halifax, who with his usual clearness I think perfectly understands every question that comes before the House, should undertake to say that I now for the first time make this objection with regard to notice. In the debate on Friday last I took the constitutional and parliamentary ground that the Bill could not be properly enlarged in the manner in which it has been, especially when there was no notice, and when those provisions were not embraced in the petition and that it was a dangerous piece of legislation. My arguments have not been met, and it surprises me now to hear my hon. friend state that for the first time the objection has been taken to-night.

HON. MR. POWER—I beg my hon. friend's pardon; I stated that the objection had been taken before, at the second reading, and that it was too late to take it now.

HON. MR. DICKEY—I could not take the objection on the second reading, because on the second reading these provisions were not in the Bill at all. We were at that time upon the consideration of these amendments, which were voted down. My hon. friend on my left took a very ingenious, though a parliamentary course, in moving that the House do not concur in these amendments.

HON. MR. MILLER—My motion was that the House do not now concur in the amendments.

HON. MR. DICKEY.—Yes, but that the Bill be referred to a committee of the whole for further consideration. They did consider the amendments, and made not only those amendments that were proposed to be concurred in, but made other amendments which we are now considering for the first time, on which the objection could only be taken to-day, and if I had kept my mouth shut until this moment it would have been perfectly open for me or for any other gentleman to take exception to the manner in which the amendments are carried. I consider it is a dangerous principle of legislation to ask the House to agree to those amendments by which a small bill of 5 or 6 sections has been extended into a bill of 16 sections without notice, with additional powers, which my hon friend from Sarnia says are for the benefit of the public, but which we know are provisions for the benefit of the promoters of the Bill. They are powers which the promoters did not venture to ask for by their petition, and which, if placed in their petition, would not have been accepted by the Standing Orders Committee, without proper notice having been given. The motion was agreed to on division.

HON. MR. POWER moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time and passed.

BILLS INTRODUCED.

Bill (105) "An Act for granting certain powers to the Canadian Electric Light Co."—(Mr. Plumb).

Bill (104) "An Act further to Amend the General Inspection Act of 1874."—(Mr. Smith).

The Senate adjourned at 9 p.m.

THE SENATE.

Ottawa, Tuesday, May 1, 1883.

The SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

THF ADULTERATION OF FOOD AND DRUGS ACT.

MOTION.

HON. MR. PAQUET moved:—

That an humble Address be presented to His Excellency the Governor-General, praying His Excellency to cause to be laid before the House, a return showing:—

1. The various articles of food, an analysis of which has been ordered by the Department of Inland Revenue to be made by the Analysts officially appointed for that purpose.

2. The mineral and vegetable substances used as drugs, an analysis of which has been ordered as aforesaid, and the reports of the analysts thereon, showing the degree of purity or adulteration of these medicinal substances.

He said: The object of my notice of motion is to ascertain what instructions have been given to the Government Analysts on the subject of drugs or chemicals; how many analyses have been made, and by whom, and what have been the degrees of purity or adulteration of the substances used as medicines. I observe that numerous analyses have been made by the analysts of foods, spices, and beverages both spirituous and aromatic. In the first report of these gentlemen, that of 1876, we find eighteen articles designated by the Department of Inland Revenue, all relating to articles of food with the exception of quinine wine. The last report, that of 1882, appears to have been based on the same order, but this time without mention of any drug. I have no intention to create alarm, nor to make any reflection which would be in the least degree injurious to any one; but I desire to convince this honorable House of the great necessity which exists for enforcing the law of 1874. If it is defective, let it be amended; if it is sufficient for the purpose, let it be enforced. To give an idea of its importance, let us assume that each person in the Dominion consumes annually, $50. worth of food. Now, the population of Canada exceeds 4,000,000; that would give $200,000,000. The adulteration, at the very lowest calculation, from the reports which we have, being 25 per cent, we arrive at the conclusion that $50,000,000 of this expnediture is totally lost.

Let us now take spices, tea, coffee, and alcoholic liquors etc: in which the adulteration is represented to be 57 per cent; and assuming that the annual consumption per head of these articles amounts to ten dollars, we have $28,000,000 to add to the $50,000,000 already stated, or a total of $78,000,000 totally lost to the population of the Dominion. Now it seems to me that these figures are sufficient to justify more energetic action on the part of the Government.

There is a point of still greater importance, the adulteration of drugs. The Act of 1874 states in its title, as well as in its preamble, that its object is to prevent the adulteration of food and drugs. Where are the instructions given by the Government to the analysts with regard to the latter? I cannot find them in any part of these reports that I have consulted. I believe that nothing has been done in this direction. In my opinion that is a great mistake, for the injuries which result from the sale of adulterated food generally prove more prejudicial to the purse of the consumer than to his physical health, as the adulterations are in most cases harmless: but it is otherwise in the case of drugs. During the 30 years that I have practiced medicine as an allopathic doctor, I fear that I have often been a homeopathist, since at times, when I have prescribed certain drugs they have contained only a fraction of the active principle on which I counted. In other cases it may have happened that the patient has purchased articles of an entirely deleterious character, in place of the medicines demanded. By consulting what has been done in England, in 1874 and subsequently, it will be found that there also loud complaints have been made of the adulteration of drugs, but that the evil has been to a great extent remedied. On this subject it may be objected that the Dominion Act of 1874, 37, Vic. sect. 15, provides a remedy only for articles of Canadian manufacture. That is assuredly insufficient, because we import drugs from England, the United States, etc., and throughout the world adulteration is carried on. The lust for gain is not limited to the grocer: it extends to the druggist also. It is important, therefore, that the Government should amend the Act, so as to provide for the analysing of drugs, from whatever source they may come. This appears to me to be indispensable, and it is possible that it may be done by the persons already charged with the duty of making other analyses. The public health demands it, and I would be wanting in my duty if I did not urge the necessity of it, in view of the fact that the patient demands more immediately and more imperatively that the prescription shall be properly filled, than the consumer does that he be not cheated by the grocer: for, to say the least, if the dose of medi-

cine is insufficient, it produces no result, the disease continues and the patient is exposed to serious danger, and in fact, his death is often produced from the causes I have mentioned. This, I think, ought to be sufficient to demonstrate the importance of this subject.

HON. MR. ALMON—I have much pleasure in seconding the motion, as I have been requested to do by my hon. friend, and I must say that the analysis of drugs appears to be even more necessary and useful than that of food, because we can tell pretty well for ourselves whether our tea or coffee or chocolate is of proper quality, but you take down your rhubarb draught without knowing whether it is Turkey rhubarb, East India rhubarb, or the root of rhubarb grown in England. This is a serious matter for our stomachs, and if, as is mentioned here, the Government have already the power to order analyses to be taken, I think the doctor has conferred a boon not only upon the profession but also on those on whom the profession practice, by asking for this return. There are some instances in which the life of the patient depends upon the purity of the drugs administered. I will instance one; take the case of ergot of rye, which we give to restrain hemorrhage. Whether it will have the desired effect depends entirely upon whether the article is fresh or not; and that is easily ascertained by a simple test: if it fractures readily it is good, if it bends it is not. The most trying case which a doctor meets is after a confinement, when hemorrhage is threatened and he may not have with him his case containing the medicine which he requires. He sends out for it, and knows that the life of the patient depends on whether this article is fresh or not. If it is not fresh the patient may slip through his fingers and he feels to a certain extent guilty. There is a loss of most valuable life, because the life of the child also depends on it, and that is a serious matter to the community. This could easily be prevented if drugs were inspected and adulterated medicines were condemned. With reference to the aduteration of food, the party who held the office of analyst in Halifax told me that he was not allowed, by the rule, to send anyone he liked to purchase samples of groceries, but was obliged to send an officer appointed by the Government who was known to the grocers, and the consequence was that the samples furnished to him were always of the best quality. If he had been allowed, he said, to employ a man himself, he could have got the articles which were regularly sold to the public, and could tell more about them. The object of that provision in the Act may be to prevent collusion; but in the case of this man, Mr. Fraser, of Pictou, there is not the slightest doubt of his probity, and therefore, I think that some improvement will be effected in that direction, and if this Act is carried into effect, I should say that a person who is appointed to analyze drugs should be allowed to send any party he may choose to buy the article. With regard to ergot, which I mentioned, we have an extract which we can depend upon. I will not mention the name of the manufacturer, lest my hon. friend from Montreal should endeavor to get him to settle in that city with the other patent medicine manufacturers.

HON. MR. ALEXANDER—Since the hon. gentleman addressed the remarks, which he has done so clearly and ably to the House, I hope that the leader of the Government in this Chamber will not be satisfied by merely replying that he has no objection to the address. The subject is one of the utmost importance at the present moment in this country. There is not a law on the statute book which is more essential for protecting the public health than the Adulteration Act, not only as regards drugs, of which the hon. gentleman has spoken, and which he so thoroughly understands, but also as regards articles of food generally, and wines. It is acknowledged that in the general haste to make money amongst men engaged in trade, a number of articles of daily food are adulterated, and that the public health suffers thereby. In first class stores, in our cities, generally proper wares are sold but in the second class stores, from where the poorer people purchase their daily supplies of food, it is otherwise. Take many articles, tea, coffee, milk, etc., and high prices are asked and obtained for them. No doubt the deleterious effects of adulterated food are not always observable, but they must affect the public health generally. While there is an excellent law upon the statute book I think the

Government of the day ought to see that more analysts are appointed and that they discharge their duties faithfully. The House and the country are deeply indebted to the hon. gentleman who has brought this matter up, and for the clear manner in which he has called the attention of this House to a most serious evil.

HON. SIR ALEX. CAMPBELL—The Act which has made it the duty of the Government to institute these analyses of food and drugs was passed in 1874 during the time of the late Administration. When the present Government came into power in 1878 we found that nothing had been done under that statute at all, but we took early steps to put the Act into operation, and a good many persons were appointed under it to analyze food and drinks in various parts of the Dominion, and I think that that is now pretty well accomplished in all the older Provinces. There is nothing of that kind done so far in Manitoba, but I think there is in British Columbia though I am not very sure of that. I do not think anything has been done as to the analysing of drugs. I quite recognize that it is as important, or even more important than the analyizing of food and drinks; but it requires a good deal of time to get an Act of this kind put into operation all over an extensive country. Persons who can analyze drugs satisfactorily must be taken from a different class to the professional class, and are not the same persons who would come under the other part of the Statute as to the analyzing of food and drinks. I quite recognize the importance of the subject, and also the annoyance at the dilemma in which my hon. friend from Lavallier would be placed if some of his doses should turn out to be homeopathic. I can fancy that nothing would be more irritating to him than to be classed amongst that medical school. The matter is looked upon by the Government as a most serious one, and deserving of great consideration, and the remarks coming from the hon. gentleman who spoke first, and the hon. member from Halifax, will have great weight with the Government. They are gentlemen standing high in their profession, and know the importance of having pure drugs, as described by the hon. member from Halifax. I will take care that the remarks which have been made to-day are brought to the notice of the Minister who has charge of the Inland Revenue Department, and will see whether steps cannot be taken to procure at an early day a proper analysis of drugs, as I quite recognise the importance of its being done. I did not suppose that the hon. gentleman from Lavalliere was going into a discussion on the point, and I was merely prepared to accede to the address If I had known he was going into this discussion I would have ascertained what had been done in the direction indicated. My impression is that nothing has been done, although so far as the analysis of food and drinks is concerned the Act is fairly enforced in the older provinces. I hope the representations that I may make in consequence of the remarks that have fallen from my hon. friends opposite will nduce the Government to see that steps are taken to have drugs analyzed as food and beverages are now. That may involve some necessary expense, but I quite agree that the expense would be well incurred for the important purpose my hon. friend has pointed out.

HON. MR. PAQUET.—The hon. Minister of Justice has said that nothing was done under the Act of 1874, until 1878. I think if he will consult the reports which have been submitted to Parliament from time to time he will find that he is in error. The reports of 1876. 1877 and 1878 show that analyses were made under the Act.

HON. SIR ALEX. CAMPBELL—It is possible that I was mistaken.

HON. MR. PAQUET.—In comparing these returns I find that for two or three years after the Act was passed there was a diminution in the percentage of adulteration, but from 1877 there has been a gradual increase: that is to say, instead of our position in this respect having been improved it is worse than it was before the Act was passed. I attribute this to the fact that no steps have been taken for the punishment of offenders, as the Government are empowered to do under the Act of 1874. The threat was continually made but never carried out, and people got the impression that they could adulterate articles of food with impunity. The Minister of Justice says that probably the inspection of drugs will cause an increased charge on the revenue. That may be, but in the

interests of the public it is necessary. I thank the hon. gentleman for the spirit in which he has received my remarks, and I trust that he will be able to accomplish something in the direction I have indicated. With reference to the remarks made by the hon. Senator from Woodstock as to the quality of articles of food purchased in second class groceries, I may mention that in the city of Montreal, of 18 samples of coffee analyzed, not one was found to be good. In Toronto of 18 samples of coffee analyzed only three were found to be good. I think this evidence is sufficient to show the necessity of enforcing the Act more rigidly than has yet been done. I hope the Government will not be wanting in their duty in this matter, and that the report of next year will show a diminution in the percentage of the adulteration of food.

HON. MR. POWER.—There is no doubt that the hon. gentleman who has just sat down is right in saying that the Act was carried into operation by the preceding Government. I know the analyst at Halifax was appointed long before the change of Government, and made his reports. I think the point made by the hon. gentleman who has just addressed the House, deserves the careful consideration of the Government. He pointed out that at first when those analyses were made, the people whose goods were taken were under the impression that the law would be enforced against them, and that they would be prosecuted, so that the tendency during the first few years was to make grocers more careful as to what they sold; but having found after the lapse of years that no prosecutions were undertaken, and seeing that they could adulterate food with impunity, they do it now as the statistics quoted by the hon. gentleman from Lavallière show, to a greater extent than they did five or six years ago. I think that as this statute is one which is altogether in the interest of the public, the Government ought to see that it is enforced.

The motion was agreed to.

ADULTERATION OF DRUGS.

INQUIRY.

HON. MR. PAQUET rose to enquire:—

Why the Government has not hitherto ordered inspection of the various articles of food, and mineral and vegetable substances used as drugs in conformity with the Act of 1874, and whether the Government intends to notify its Analysts to analyze from time to time the drugs sold in the principal cities of the Dominion, and to report thereon?

He said: As the Minister of Justice has already furnished the information to which this question points, I ask permission to withdraw it. If the Government have given such orders I hope the Minister will transmit a copy of them to the Senate

HON. SIR ALEX. CAMPBELL—I will take care that that is done.

The question was withdrawn.

CHIGNECTO MARINE TRANSPORT RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. VIDAL from the Committee on Railways, Telegraphs and Harbors, reported Bill (51), "An Act to amend the Act to incorporate the Chignecto Marine Transport Railway Company, (Limited)," with amendments.

HON. MR. BOTSFORD moved concurrence in the amendments.

The motion was agreed to, and the third reading of the Bill was fixed for to-morrow.

QUEBEC AND JAMES' BAY RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. VIDAL from the Committee on Railways, Telegraphs, and Harbors, reported Bill (54), "An Act to incorporate the Quebec and James' Bay Railway Company," with amendments.

HON. MR. BELLEROSE moved that the amendments be concurred in.

The motion was agreed to, and the Bill was then read the third time and passed.

EVIDENCE IN CRIMINAL CASES BEFORE FOREIGN TRIBUNALS BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (P) "An Act to make provision for the the taking of evidence in relation to Criminal matters pending in Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals."

He said: In 1856 there was passed in England an Act to enable evidence in civil and commercial cases to be taken abroad. In the Extradition Act of the Imperial Parliament that provision was extended and made to relate to evidence in criminal matters as well. By the 24th section of the Imperial statute on extradition the testimony of any witness may be obtained in any criminal matter in like manner as it may be obtained in relation to any civil matter. And it is provided that all the provisions of that Act shall be construed as if the term "civil matter" included a criminal matter, and the term "cause" included proceedings against the criminal. That was the provision in the Imperial Extradition Act. With reference to the obtaining of evidence in Her Majesty's dominions in criminal matters they followed the original Act which related only to civil matters and criminal proceedings. That extradition Act of the Imperial Parliament is no longer in force in this country, because this Parliament passed an extradition Act which caused the Home Government to withdraw the Imperial Act from this country, and allowed ours to go into operation. But in ours there is no provision for taking evidence in criminal matters, and attention has been called to the fact by a dispatch from the Colonial Office, containing a request that a provision of this kind be made. How the omission occurred in our Act I am not aware, but it certainly is an omission which this Bill proposes to supply, and to enact hereafter that evidence in criminal matters may be taken, as was done before, under a provision of this Imperial Act for the taking of evidence in civil cases.

HON. MR. POWER—I would call the attention of the Minister of Justice to the concluding proviso in this Bill and suggest that at the present time it might be desirable to make some modification in it. Every hon. gentleman will remember the time that an attempt was made to assassinrte the Emperor Napoleon III., by Orsini. It was found under the English law that this man could not be punished because his crime was supposed to be of a political character. Since that time secret societies and societies which, while they may be technically political, are really hostile to civil society of every kind, have become very numerous and very potent factors in the criminal world. If the Minister of Justice could so amend this section when the Bill is in Committee, as to provide that it shall not throw any protection around Nihilists or men like the dynamiters who are now so prominently before the public, he will be altering the law in the right direction. Of course if a criminal offence is really of a political character I presume that the fugitive ought to be protected; but if the crime is of the kind I have endeavored to indicate there should be no protectton afforded the offender.

HON. SIR ALEX. CAMPBELL—No, there should be no protection thrown over him, but it would rest with the Judge before whom the question came up, to say whether the offence was of a political character or not, and certainly the tendency now would be to pronounce many things non-political which, perhaps, at one time were considered political. I quite realize the value of the suggestion, but I hardly think I would like to change the Bill, the language being that which was used in the Imperial legislation, and being that which the Imperial Government now desire should be repeated by us. Attention is drawn in the dispatch to the very clause, and we are asked to make the provision. I think there is safety in the point I have mentioned, that the matter would go before the Judge, who would be able to say what was a crime of a political character and what was not. Whatever may have been the case in the past I apprehend that any Judge in Great Britain now, or in any of the colonies, would not pronounce many things as political which 20 or 30 years ago were held to be of that character. My hon. friend, no doubt, has seen Sir Vernon Harcourt's speech in the Imperial Parliament in which he refers to

the mascaline character of the law, going beyond the letter and carrying out the spirit. I should be reluctant to change the Act for the reasons mentioned.

HON. MR. WARK.—Would it not be well if the terms of the Imperial Act were cited? Everyone may not have access to them.

HON. SIR ALEX. CAMPBELL—That might be, but the Act would only have to be enforced by lawyers in courts where the facilities for referring to Imperial Acts are very good. If the suggestion which the hon. member from New Brunswick has made was carried out it would simply be placing the Act referred to in the appendix, but I think the statutes are very easily obtained, and they are constantly in the hands of those persons who are obliged to administer the law, so I hardly think it is necessary.

The motion was agreed to, and the Bill was read the second time.

HIGH COURT OF JUSTICE FOR ONTARIO BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (Q) "An Act respecting the High Court of Justice for Ontario."

He said: Some doubt has arisen as to the provisions in regard to the various matters mentioned in this Bill which has been enacted by the Legislature of Ontario, and the Government of that Province have asked me to introduce this measure for the purpose of removing any possible doubts that may exist with regard to them. The Attorney General of the Province says that he himself is free from the doubts which I have mentioned, but says that they have been entertained by some learned judges on the bench. I have not studied the various provisions of the Bill myself but will do so before it goes to the Committee of the whole.

The motion was agreed to and the Bill was read the second time.

COUNTY COURT JUDGES IN ONTARIO BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (R) "An Act respecting County Court Judges in the Province of Ontario."

He said: This is a Bill that comes into my hands in the same way as the last one, from the Government of Ontario, with the suggestion that doubts have been felt as to the power of the Legislature of Ontario to make these provisions requiring the Judge of any county to do duty in any other county besides that for which he has his commission, and enabling a retired County Court Judge to act, and giving jurisdiction. Some doubt may very likely exist as to the source from which this power should be derived. The judges are appointed by commission from His Excellency the Governor General, and the Commission of the County Court Judge for Frontenac, say, is only for that county. In Ontario they have found it very convenient to authorize a judge to go into another county, but as the commission comes from the Governor General they doubt their power to do duty in another county, and therefore the Local Government ask us to join them in legisltaion for the purpose of making that legal. I do not express any opinion about the matter myself, but I should think with the author of this Bill that some additional legislation on the part of this Parliament is necessary. At all events, it comes from the Attorney General of Ontario with the request that I would present it to Parliament.

HON. MR. MILLER.—I have looked at the Bill and I think it is very desirable that the change should be made if we have the power to make it. My only doubt was as to the power of this Parliament to pass such a law. The Bill, it appears to me, relates to the constitution of the courts, and therefore would be within the jurisdiction of the Provincial Legislaiure. I certainly think the change would be a desirable one as applied to Nova Scotia if it could be made. In fact, I think it would be very desirable if all the inferior court judges were made to move about occasionally from their own

circuits. They get into a certain groove in their respective districts, and certain feelings perhaps arise against them and create objections to the exercise of their powers, and it is considered a very unfortunate feature in the constitution of these courts that the judges are not able to move about from circuit to circuit. Of course a Bill coming here from the Attorney General of Ontario, who is a high authority, deserves serious consideration. I have not looked sufficiently into the matter to satisfy me that we have not the power to deal with the subject, but if we had the power, I think it is desirable that it should be extended to other parts of the Dominion.

HON. MR. SCOTT.—The Bill has been in practical operation so far as Ontario is concerned. I notice that in the first clause there is an apparent ambiguity.

It provides that :—

"It shall be the duty of every County Court Judge of the Province of Ontario to hold any of the Courts in any County in the Province, or to perform any other duty of a County Court Judge in any such County, upon being required so to do by an order of the Governor General made at the request of the Lieutenant Governor; or without any such order, the Judge of any County Court may, if he sees fit, perform any judicial duties in any County in the Province on being requested to do so by the County Court Judge to whom the duty for any reason belongs."

A County Court Judge is frequently called upon to discharge the duties of a higher bench, and judges of the High Court of Justice can depute judges of the County Court to act for them. During the assizes held in this city last week the duty was discharged by a judge of the County Court.

HON. SIR ALEX. CAMPBELL—I think this must mean County Court Judges; I know the provisions of the Bill have been in operation for some years in Ontario, but these doubts have arisen, I understand from the Attorney General of Ontario, and therefore he wishes legislation.

The motion was agreed to, and the Bill was read the second time.

HON. MR. MILLER.

FRAUD IN CONTRACTS PREVENTION BILL.

AMENDMENTS CONCURRED IN.

HON. MR. SCOTT moved that the House resolve itself into a Committee of the whole for the further consideration of Bill (5), "An Act for the better prevention of fraud in relation to contracts involving the expenditure of public moneys."

HON. MR. MACMASTER from the Committee reported the Bill with several amendments which were concurred in, and the third reading was ordered for to-morrow.

CREDIT VALLEY RAILWAY COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

HON. MR. ALLAN moved that the amendments proposed by the Committee on Railways, Telegraphs and Harbors to Bill (50) "An Act to amend an Act respecting the Credit Valley Railway Company," be concurred in.

He said: The amendments which were proposed by the Railway Committee to this Bill have been before the House for some days in the minutes. The first amendment is to the first clause of the Bill, and the gist of that amendment is the giving of power for amalgamation with the Canadian Pacific Railway; the clause had to be re-cast, but otherwise it is the same as in the original Bill. The second clause provides for the failure of the said companies to agree as to the running powers and the manner of working the roads, or as to the tolls, rent, or compensation to be paid for the same, or upon any other matter arrising out of the exercise of the same; and provides that "all the provisions of the fifth section of the Act hereby amended shall apply as if they had been re-enacted in this Act, and had been expressly applied to the Amalgamated Company, or to the Canadian Pacific Railway Company; as the case may be." The fifth section is as follows :

"In case the said companies shall fail to agree upon the extent or manner of working the running powers hereby granted, or upon the tolls, rents, or compensations to be paid for the same, or upon any other matters arising out of the powers conferred by this

Act, then the same shall be settled by three arbitrators appointed from time to time, one to be appointed by each of the said railway companies, and the third by the Chief Justice, or one of the Judges of the Court of Appeal of the Province of Ontario; and in the event of either of the said companies refusing or neglecting to appoint such arbitrator for the space of ten days after being requested or notified so to do by the other company, then the said Chief Justice or Judge shall appoint such arbitrator for the company so neglecting or refusing."

So if they cannot agree, it makes them subject to the original clauses in the Credit Valley Railway Company's Act. The third clause provides that if the Credit Valley Company; or the amalgamated company, if that company becomes amalgamated with the Ontario and Quebec Railway Company, may lease its line to the Canadian Pacific Railway Company, upon such terms as may be agreed on: provided that such lease and the terms thereof are authorized, or approved of by two thirds in value of the shareholders of the leasing company present or represented at a special general meeting thereof called for the purpose, the notice of which shall describe such purpose. The last is a clause which declares that the Credit Valley Railway is to be a work for the general advantage of Canada, and that is made necessary from the fact that it is likely to be made a through road, by its amalgamation with the Canadian Pacific Railway. I move that the House concur in these amendments.

HON. MR. POWER—I should like to hear an expression of opinion from the hon. gentleman from Niagara as to this Bill. I find that the Bill as reported from the Committee is not the Bill which was introduced in the House of Commons; it does not contain a single one of the clauses which appear in that Bill, and the object is altogether different. The object of this Bill is chiefly to enable this Credit Valley Railway Company to amalgamate and make arrangements with the Canadian Pacific Railway; but the Canadian Pacific Railway was not mentioned in the original Bill at all, and it is not mentioned in the Petition presented in connection with the Bill. Not only is this not the Bill that was introduced in the House of Commons, but it is not the Bill that was read the second time here—it is a totally new Bill which the Committee have reported. I feel that the Committee have not very much exceeded their powers; but no doubt we shall have an eloquent speech from the hon. gentleman from Niagara against this outrage upon our rules and upon all parliamentary procedure.

The motion was agreed to.

HON. MR. ALLAN—The House has had every opportunity of seeing these amendments for the last two or three days; I would now move that the Bill be read the third time, and then I propose to move the amendment of which I have given notice, and which is upon the minutes now.

HON. MR. POWER—Will the hon. gentleman be kind enough to let the third reading stand for to-morrow? I wish to propose an additional amendment, similar to one which has been introduced into the companion Bill to this in the House of Commons.

HON MR. ALLAN—With regard to that, I have only to say: the Bill, as every hon. gentleman knows—and particularly those hon. gentlemen on the Railway Committee—was one which excited a good deal of discussion there, and there were present, in addition to the representative of the Credit Valley Railway, representatives both of the Grand Trunk and Northern Railways. The Bill in its present shape was agreed to by the representatives of both those companies, and when the Bill was reported by the Committee I undertook that no alteration should be made in it without informing those gentlemen. The only alteration suggested was one which I submitted to them and which I have already noted and which does not affect them at all. I therefore feel great reluctance in consenting to any changes or alterations in the Bill, other than those of which I have given notice. I do not think it is quite fair of the hon. gentleman to ask me to postpone the third reading, because, as I have heard stated by one of the leading members of the other House, it is probable that the Railway Committee there will not meet more than once again, and if the Bill meets with any delay now, before going down there, it might cause the loss

of the measure altogether. Under these circumstances, and particularly after havlng postponed the Bill at that hon. gentleman's request yesterday in order to allow that very rapid telegraph Bill of his to go through, I do not think it is right to ask that the measure should be postponed any longer.

HON. MR. FERRIER—After giving a good deal of attention to the Bill I am unable to comprehend the amendments as my hon. friend has proposed them to-day. I really think the Bill should be printed.

HON. MR. ALLAN—Which amendments?

HON. MR. FERRIER—The amendments which were read just now.

HON. MR. ALLAN—The amendments which we are now considering are those which were agreed to in the Committee in the hon. gentleman's own presence, and they were thoroughly discussed there before being agreed to.

HON. MR. FERRIER—Are these amendments the same?

HON. MR. ALLAN—Precisely.

HON. MR. FERRIER—That is what I am in difficulty about, but if my hon. friend says they are the same as agreed to in the Committee, I am satisfied; I believe there is one more than I understood there was then.

HON. MR. ALLAN—If the hon. gentleman will excuse me, I think he is a little confused about the matter. The amendments are precisely the same, word for word, as were agreed to in the Committee. The amendment of which I have given notice is one which was submitted to the solicitors of the Northern Railway Company, and which was, I believe, also submitted to Mr. Bell, and no objection was made to it.

HON. MR. ALEXANDER.—The question is not as to whether the friends of the hon. gentleman from Montreal consented or not, it is a most important Bill of amalgamation, and I think the House ought to see the amendments in print before we dispose of them. There can be no harm done by suspending the third reading for another day, and my hon. friend from Halifax, also wishes to introduce another amendment. We should not therefore, simply because of a delay of 24 honrs, consent to have such a Bill as this hurried through.

HON. MR. POWER—I do not wish to do anything to imperil the passing of this Bill, but at the same time I think the hon. gentleman should remember that we do not represent—at least I trust we do not—either the Grand Trunk or the Canadian Pacific or the Credit Valley Railway Company. This House is supposed to represent the public, and it is in the public interest that, if at some future day the Grand Trunk and Canadian Pacific roads should enter into a combination, these roads, which have been subsidized largely and built largely by the moneys contributed by the people of this country should be saved from the control of such a combination. I have understood that the gentlemen in the House of Commons who represented the Canadian Pacific Railway made no objection to the clause being inserted in their own Act: and as this Bill is one corresponding to that, I think that the same provision should be inserted in this Act. It is only a reasonable provision, and it cannot very well be inserted in the House of Commons because the Bill has come from that House; therefore I think this is the right place to do it. If the hon. gentleman will accept it immediately, it will not delay his Bill at all, but even if it stands until to-morrow there are other bills going down to the House of Commons then, and it can go with them.

HON. MR. ALLAN—I do not think there is any objection to including that clause which is proposed by the hon. gentleman from Halifax, and I am willing to accept it.

HON. MR. FERRIER—Is the Bill to be printed again before it is read the third time?

HON. MR. SCOTT—It is printed in the other House.

HON. MR. VIDAL—This Bill, as has already been announced to us, is completely changed, so that we have now in our possession a new Bill. Of course we can see what the minutes contain, but I think we should have the Bill before us in its perfect shape, in order to form a judgment upon it before the third reading; that is all the hon. gentleman from Montreal asks.

HON. MR. PLUMB—My hon. friend from Halifax was inclined to be a little facetious just now, but if he could only remember a few days ago he might recollect that I objected most strongly to a bill which was brought in in a changed form from the original bill; and he may know that perhaps I took much more decided ground in regard to that, than he did himself. I am surprised now that he wishes for delay in this Bill, and if one may allude to recent events, I would say that he was very anxious indeed the other day to hurry through a bill. He did not then wish to have any delay made, on the grounds that it might endanger the bill. For myself I think the House should be put in possession of the important changes that have been made in this Bill, and I do not think that it will hazard its passage even should it be laid over until we can get it into our hands and see exactly what it is. These are very important matters, and we are legislating in regard to three great railway corporations. I think it is due to the country therefore, and to ourselves, that those gentlemen, if they want legislation, should take time enough and allow us time enough to know what we are doing. As one member of this House I intend, if possible, to see what Bills we are passing, and I do not think it is desirable that any measures should be forced upon this House with undue haste. It can make no difference, I think, for we have been very prompt in dealing with all these bills, so far as I have seen; indeed I have been surprised at the promptness with which the committees disposed of the various bills referred to them, and kept abreast with the business of the other House. It is a very small matter to ask that we should see exactly what we have before us, when such important changes have been made as is the case in this Bill. It is not our fault that the changes have been made—we have not made them, but the companies themselves; and while I for one am very anxious to facilitate any arrangement between these great companies which would be in the interest of the public, and of the companies themselves, I do not think that they ought to ask us to go out of our way and hurry us in legislation upon what we do not thoroughly and perfectly understand. I certainly object to any haste being taken.

HON. MR. ALLAN.—I would beg to move that the third reading of the Bill, as amended, be fixed for to-morrow.

The motion was agreed to.

HON. MR. POWER.—I beg to give notice that I shall move to insert a clause similar to the 5th clause in the Bill respecting the Canadian Pacific Railway Company.

GENERAL INSPECTION ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (104) "An Act further to amend the general inspection Act. 1874."

The motion was agreed to and the Bill was read the second time.

NORTH WESTERN BANK BILL.

COMMONS AMENDMENTS AGREED TO.

HON. MR. BOTSFORD moved concurrence in the amendments by the House of Commons to Bill (F) "An Act to amend the Act to incorporate the North-Western Bank."

He said:—I was not in charge of the Bill, but I moved that the amendments be taken into consideration to-day in order to further the measure, and, in the absence of some hon. gentleman who understands them, I really am not in a position to say whether these amendments ought to be concurred in or not. I thought the hon. gentleman from Toron to was in charge of it.

HON. MR. ALLAN—I think the Bill should be printed before we deal with it.

I was not in charge of the measure, and when it came up in the first place I merely moved the second reading as a matter of courtesy, and I then informed the hon. gentleman who spoke to me about the Bill that I should not take charge of it.

HON. MR. BOTSFORD—The Bill is printed; these are amendments made by the House of Commons.

HON. MR. ALLAN—Printed in our minutes, but that is not sufficient.

HON. MR. BOTSFORD—So far as I understand it, these amendments have been made by the House of Commons to the Bill as sent down by the Senate. My impression is that the amendments are a rëenactment of certain provisions of the original Bill. I have no objection to moving that the amendments be concurred in.

HON. MR. REESOR—Does the hon. gentleman mean to say that it is a rëenactment of all the clauses in the original Bill?

HON. MR. BOTSFORD—No, only certain clauses.

HON. MR. MILLER—As I understand it, these are amendments to a Bill sent down by this House to the House of Commons. The Bill originated in the House of Commons, came up here, passed this House, has gone down and has been amended in that House.

HON. MR. BOTSFORD—The amendments were made to a Bill which was sent down by the Senate, amended by the House of Commons and sent back.

HON. MR. MILLER—It would be better to have the Bill printed, we are generally in the dark with regard to the measure; in the meantime we might have the amendments incorporated in the Bill.

HON. MR. BOTSFORD—The amendments are here, as sent up by the House of Commons; they are printed in our minutes, and they need not be re-printed before concurrence.

HON. MR. POWER—The amendments are set out just as clearly in our minutes as they can be if the Bill is re-printed. I do not see therefore why we should delay the Bill or go to the expense of having it re-printed.

HON. MR. PLUMB.—Well, here we read that the third and 6th sections of the Act are repealed; I would like to know what the third and 6th sections are?

HON. SIR ALEX. CAMPBELL.—I do not know of any case where a Bill has been printed as amended by the House of Commons; I think the general way of doing that is to have the amendments read by the Speaker and then put on the minutes of the House. It seems to me it would be proper for the Bill to be printed as amended and then for the amendments to come up for third reading.

HON. MR. SCOTT—You would lose control of the Bill if you did that.

HON. MR. BOTSFORD—If these amendments are not concurred in, as a matter of course the Bill will be lost.

THE SPEAKER—This is a Bill which originated in this House, was sent down to the House of Commons and there amended; the amendments made by the House of Commons to the Senate Bill are now to be taken into consideration.

HON. MR. ALLAN.—I believe the amendments to the Bill are simply these; the Bill as it went down to the House of Commons amended the Act formerly incorporating that Bank by changing the name of the Bank, and, I think, its place of business. The House of Commons have in addition to adopting those amendments incorporated certain portions of the original Act.

The amendments were agreed to.

CUSTOMS ACTS CONSOLIDATION BILL.

REPORTED FROM COMMITTEE

The House went into committee on Bill (34) "An Act to amend and consolidate the Acts respectings the customs."

HON. MR. VIDAL from the committee reported the Bill with two amendments.

The amendments were concurred in and the Bill was ordered for third reading to-morrow.

The Senate adjourned at 5.45 p.m.

THE SENATE.

Ottawa, Wednesday, May 2nd, 1883.

The SPEAKER took the Chair at Three p. m.

Prayers and routine proceedings.

STEAMSHIP SERVICE WITH FRANCE.

INQUIRY.

HON. MR. PELLETIER inquired:—

Whether the Government has promised a subsidy to the Société Postale de l'Atlantique, for a monthly Steamship Service between Havre and Montreal? What is the amount of the said subsidy? Of what tonnage and of what speed are these steamships to be, and when is the service to commence? Are these steamships to stop at Halifax as a terminal port during the winter season, or will they have the privilege of going on to Boston or any other port in the United States?

HON. SIR ALEX. CAMPBELL—In answer to my hon. friends question I beg to say that a negotiation has been going on upon the subject, and a tentative proposition has been made and considered, but that nothing has been determined, and the gentleman who has been acting for this line of steamships, the Brazilian Consul General at Montreal, has gone to France with this tentative proposition, and I think it would not be desirable to mention it at this time. Nothing has been agreed upon. There has been merely a desire on the part of the Government to obtain the service and an expression of willingness on the part of the gentlemen represented by Mr. Bentley to engage in the enterprise if they find the terms are such as would enable them to sustain it. In that stage of the matter I think it would not be advisable to give any further information.

CHIGNECTO MARINE TRANSPORT RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. BOTSFORD moved the third reading of Bill (51), "An Act to amend the Act to incorporate the Chignecto Marin Transport Railway Company. (Limited)."

The motion was agreed to, and the Bill was read the third time and passed.

FRAUD IN CONTRACTS PREVENTION BILL.

THIRD READING.

HON. MR PELLETIER, in the absence of Mr. Scott, moved the third reading of Bill (5), "An Act for the better prevention of fraud in relation to contracts involving the expenditure of public moneys."

HON. MR. ALEXANDER moved in amendment, that the Bill be again committeed to a Committee of the Whole House, to add the following clause as clause 4:

"Whosoever, for the purpose of assisting in any election to the Parliament of Canada, while performing any contract for the construction of public works, or awaiting payment in respect of any such contract, subscribes, furnishes, gives, or promises to give, or furnish any sum of money, or consideration whatsoever, either directly or indirectly, by himself or by the agency of another person on his behalf, to any person whatsoever, is guilty of a misdemeanor, and shall on conviction there of be liable, at the discretion of the court, to a penalty of not less than five hundred dollars —and in default of payment of the penalty so incurred, the offender shall be imprisoned for a term not exceeding six months, unless such penalty be sooner paid."

He said: I do not see the hon. gentleman in his place who has charge of the Bill, or I should have made an apology to him for venturing to suggest that this clause be inserted. With regard to the amendment, its purpose is to prevent parties who undertake contracts for the construction of public works, from contributing money in connection with election contests. I would not have ventured to propose the introduction of the clause as it stood at first. I have limited it to contractors simply who are employed in

constructing public works, and I have further thought it wise to reduce the penalty from $1000 to $500, without imprisonment, because I think that the penalty imposed by the Bill as it was first introduced in the House of Commons was a very severe one, and would probably be objected to by both chambers. I am informed, and am led to expect, that objections will be raised to my asking the House to consider the introduction of this clause because it was eliminated from the Bill in another quarter, and it would appear unseemly for a Chamber which is not elective, legislating, or interfering with, or urging another Chamber to adopt any clause affecting their own elections. With regard to the charge or presumption which might be brought against this House, I take a higher standpoint. It is very true that we are not elected by the people, while members of the other Chamber are, but I take the higher ground, that while they are responsible we are not less so in endeavoring to secure by all the influence we possess as members of both Houses, the free and unbiased exercise of the franchise and the purity of elections.

Another objection has been raised that if this Senate agreed to insert this clause, it would be of little utility to do so, because we could scarcely hope that the other Chamber would receive the Bill as so amended. I am not quite so certain that that would be the result. I hope for better things of the House of Commons, and my reason for that opinion is, that there is no subject which has occupied the attention of the public to such an extent as that of the purity of elections. There is no question which has invoked so much legislation for so many years, not only in the Parliament of Canada, but also in the Parliament of Great Britain; and the clause, as I now propose to introduce it, appears so reasonable that I should think both parties (I do not at all address the House on one side or the other), would have an equally powerful interest in adopting it, as furthering the great object of having elections fairly and properly conducted. No one in this Chamber or the other will deny that the evil for which this remedy is proposed has been a common one. I believe I am not trespassing on the rules of propriety if I relate my experience as a member of the Legislative Council in 1862, when a gentleman of high position was brought before a committee of the House of which I was a member; when we cross-examined that gentleman as to what amount he had given towards the elections and asked, "Did you give $500 towards the election?" he did not reply. He was then asked, "Will you declare that you did not give $1000, towards that election?" He hesitated, and said, "I am not prepared to make that declaration. I did not give anything to the election, but I gave it to the poor." It was a very natural answer to come from the hon. gentleman, and the committee did not press him further. It is a well known fact that there are a great many men seeking for contracts in connection with public works who are quite prepared to give largely either on one side or the other in an election contest, hoping to realize enough to secure their profits out of the contracts, and to contribute to the success of the one party or the other, as the case may be.

The Bill as it is presented to us by the House of Commons is, as an hon. gentleman has said, emasculated. The principal feature of it, the fourth clause, was elimi nated in the other Chamber, and it is a matter of very little importance whether it passes in its present shape or not. I appeal to the Conservative party, who have such an overwhelming majority in Parliament and in the country, to adopt this clause were it only to show that they do not desire to hold power by unworthy means. I am sure that I echo the sentiments of every member of this House when I say that I do not believe in securing party victories by such means. No public man can go before the people and attempt to justify carrying an election thus. The United States passed through a period when many of the records of Congress were so discreditable at to affect their national honor; but they seem now, by giant strides, to be rising to a foremost place amongst the nations of the earth. A higher tone prevails amongst their public men. We seldom see anything emanating from either house of Congress calculated to irritate the nations of Europe, as was the case in former days. If we look at Great Britain, what do we find? It is true that her manufactures, her commerce, and the great wealth which is centred there will always make her a powerful nation;

but her chief distinction is due to the high principle which governs her councils, and the effect of that principle prevailing amongst the rulers permeates all classes of society. Man is very short-sighted, and I need scarcely say that no party can continue long to hold power by improper influences. We learn from history that a higher power checks all such influences, just as in the case of an individual who by improper means tries to acquire wealth. He may at any moment be prostrated by that higher power. So it is with parties and governments. No government and no party can possibly add one iota to their strength by resorting to improper means to gain a victory.

It may be urged that even if we should pass this amendment here, it would not carry in the Commons. I hope it will be accepted in the other House, but if it is not, I appeal to this Chamber whether there is any legislation we can adopt so well calculated to raise this body in the estimation of the people? That is the principle that ought to guide us, and not considerations as to whether another Chamber will accept our legislation. Let us show the people the utility of a second Chamber, and that we are here to assist and approve only of such legislation as the people of this young and rising country desires. With these few remarks, which I have ventured to address to this House, I beg to move the amendment of which I have given notice.

HON. MR. O'DONOHOE—It seems to me that this amendment is going extremely far. I cannot see what control legislation can have over a contractor's money more than the money of any other man, and if a contractor desires to contribute legitimately to an election I do not see how he can be prevented any more than the grocer, or the dry goods man; and why should he? If he contributes any of his money it is his own; he can do with it just as he pleases, as a man of any other trade can. The laws relative to elections are now, I think, almost as stringent as they can be made, and this attempt to single out any special class will be made in vain. After a contractor has earned his money and put it in his pocket it is his to do with it just as he pleases within the law, and if a candidate for election is in need of aid to sustain his candidature within legitimate bounds, why should a contractor be prevented from assisting him with his money any more than any other man? I see no good reason for this amendment; I therefore make these few remarks with a view to recording my dissent from it and not for the purpose of troubling the House, or going into the matter more generally. It does seem to me to thus single out contractors any more than any other tradesmen in the land is invidious. As to the dealings of the contractor with the Government, there you can step in and do just as you think proper to control the contractors money, but after it becomes his we have no right to say how he shall expend it. When we push legislation to such an extreme that it cannot be observed it is, to my mind, an injury rather than a benefit.

HON. MR. BOTSFORD—I should like to ask the hon. gentleman, who has charge of the Bill, if he accepts this amendment?

HON. MR. PELLETIER—I was just going to remark that I saw the amendment for the first time this morning, and as I see it would restore the Bill to the position that it was in when it came before the Commons I could not take any objection to it if it was accepted by this House, as it would place it in the shape in which the promoter in the other House wished to have it. The other House refused to accept the clause and struck it out of the Bill; therefore I think it is useless for us to accept the amendment here.

HON. SIR ALEX. CAMPBELL—Where is the use of our accepting it here if they have rejected it in the Commons?

HON. MR. POWER—I regret that the hon. gentleman from Toronto (Mr. O'Donohoe) did not speak a little longer on this subject. We do not hear from him in this House as often as we should like to, and we always listen to his remarks with pleasure.

HON. SIR ALEX. CAMPBELL—There are other members of this House who are not open to that charge.

HON. MR. POWER—It is perfectly true, as the hon. gentleman says, there are

other members of this House with whom that fault cannot be found—I suppose I am included in the number. I think the hon. gentleman from Toronto is in error when he says that a man who has a contract with the Government is in the same position as a grocer or any other tradesman—that his money is his own, and he can do what he pleases with it. If the principle was to obtain that a man could do as he pleased with his own money, there would be practically an end to all the provisions which Parliament has enacted to prevent corrupt practices at elections. The House can readily understand that a man who has a large contract with the Government is not at all in the same position as a man who has no direct connection with the Government. A concern like the Canadian Pacific Railway Company, who have a contract with the Government in which millions of dollars are involved, can, if they choose to spend, say a couple of hundred thousand dollars, materially aid one party in carrying an election, and it can be readily understood that in return for that expenditure on behalf of the candidates of the party, if that party should succeed in returning to the Government of the country, (or if in opposition, in being placed in power), they would naturally have a very strong inducement to do things for the Company who had subscribed so liberally, which would be inconsistent with the welfare of the country. I think the case is perfectly clear, that there is a very good reason to prevent persons having contracts, with the Government from giving subscriptions to election contests, and I do not think the hon. gentleman from Toronto has made his point. I had no intention myself of moving in this matter, but at the same time I do not regret that the hon. gentleman from Woodstock has taken the course he has done. The hon. gentleman is a supporter of the Government, and, looking at the question from his standpoint, he fears I presume, that if the Government are allowed to go on, and if the proper restraints are not placed upon them, they may continue such a course as will ultimately lead to their overthrow. From his point of view that would be a most lamentable consummation. On the other hand I feel, as a member of the Senate, that it is our duty to try and do what we can to re-establish the character of this House. Within the last two or three days we have rejected two bills that came here approved of by a majority in the other chamber, and which were intended to improve public morality; and the rejection of those bills will naturally create the impression upon the public mind that the moral tone of the Senate is not as high as it ought to be. I think we have a chance now to re-habilitate ourselves in the good opinion of the country and show that we are more moral in this particular than the other branch of Parliament. The hon. Minister of Justice having great consideration for the future of his own Government, as well as for the reputation of this Chamber which he has so long and ably led, will certainly endorse the motion of the hon. gentleman from Woodstock.

HON. SIR ALEX. CAMPBELL—If the hon. gentleman who has charge of the Bill accepts the amendment I have no objection, but I cannot see any object in adopting it when it has been already rejected by the other Chamber.

HON. MR. PELLETIER—I have no objection to accepting the amendment.

HON. SIR ALEX. CAMPBELL—It kills the Bill in the other House.

HON. MR. POWER—The hon. gentleman from Toronto seems to think that it would be looked upon in the other House as being an infringement of their rights and privileges if we undertake to deal with a Bill which in any way relates to elections. The object of this Bill is not so much to affect elections, as the purity of public morals; and I remember last year that, when a Bill was before this House which affected elections to the House of Commons and nothing else—the Bill to re-distribute seats in the House of Commons—the hon. Minister of Justice introduced an amendment to that Bill which had no relevancy whatever to the measure itself, but which dealt directly with the elections of members to the House of Commons—an amendment which enfranchised a number of men in Nova Scotia, who were disqualified from voting under the existing law. Therefore I do not think there need be any hesitation on the part of this House to vote for this amend-

ment because of its apparent interference with the privileges of the House of Commons.

HON. MR. ALMON—I am very much please with the hon. senior member from Halifax, because when he has pointed out the impropriety of persons having contracts with the Government subscribing money towards elections, perhaps he will extend that principle with regard to members of the Senate interfering in election contests. If the hon. gentleman will take the practice of the House of Lords as his model, he will see that they have no business to interfere, and are not allowed to interfere with elections. Though it pleases me to hear the hon gentleman's remarks, I am sorry to find that money can still be used under the present law as a bribe in elections. In 1873, when the measure to provide for voting by ballot was up, I would have voted against it, and when it was passed I was told that bribery was done away with, and I presume that the senior member from Halifax voted with the Libera party at that time; so I am sorry to hear them say now that voting by ballot is not a preventive of bribery. If all contractors with the Government are to be prevented from contributing money towards elections, and the principle is carried out to its natural consequence, the man who has a contract with the Government for sweeping down the steps in front of the buildings here would not be able to give a dollar towards the elections. I think it would be better to let this Bill pass in this case, without adopting the amendment of the hon. gentleman from Woodstock.

HON. MR. PLUMB—It would appear by what we have heard to-day that some hon. gentlemen who have been a long time withdrawn from election contests, and some others who, perhaps, have never been called upon to take part in them, are not aware that there are stringent election laws on our Statute Book which cover all cases of bribery. It is not necessary to single out a class; the law of 1874 provides that any man who commits bribery shall be guilty of a misdemeanor, and shall be liable to imprisonment, and to disqualification for seven years. It is evident that the House of Commons, who may be considered to be the proper guardians of the purity of their own elections, should be the best judges of who shall sit in that House. They, considering that the safeguards provided by the election law were sufficient to prevent or to punish bribery, finding in this Bill an entirely irrelevant clause, a clause having nothing to do with the main object of the measure, (which was a bill to prevent collusion between some officer of the Government, perhaps, and some one who wished to obtain a contract) it was referred to a select committee, and that select committee reported to the House that that clause should be thrown out—the clause which it is now sought to have reinstated in the Bill by this motion. It is quite certain that it was rejected by a large majority of the House of Commons, and it is equally certain that it will be rejected by them again if we pass it here. The Lower House, in a case of this kind, should be considered quite competent to deal with their own affairs. No doubt we have the right to interfere, but when we do interfere I hope it will be for some purpose, and not with the knowledge that our interference will be rejected. This Bill is not a new one, it was introduced in the Commons last year, when it was thoroughly discussed and perfectly understood, and finally left over until this session. After the rejection of this clause by the other House it does seem to me to be a needless waste of time either to discuss it and its probable effect, or to suppose by passing it and sending it back the House will accept it. This *ad captandum vulgus* talk about the weight of one branch of the legislature or the weight of another is entirely beside the question. As to the purity of elections in the United States, referred to by the hon. gentleman, in the State Legislatures the members cannot be unseated, no matter what machinery there may be for punishing frauds at elections. The elections take place in the month of November in most of the States, the members elect meet in December, and they are free from their duties about the first of May and no Courts can be brought to bear upon them.

I can tell the hon. gentleman from Woodstock that there is as much bribery there as there is in any part of the world. In elections for Congress, where members are elected for two years, the same thing

occurs. There is not now and there never was any secret ballot in the United States. The ballots are marked, and every person who sees a voter cast his vote knows he has marked his ballot for his party. Such a thing as secrecy is impossible with the machinery under which those elections are conducted. Under our law there are sufficient safeguards against the improper expenditure of money; and no such clause as this, attached to a Bill that is no part of the Election Law, should be permitted to go on the statute book. The Election Law should be an entirety; we do not want occasional patches of legislation of this sort placed upon the statute book in reference to a matter that is of the greatest importance to the people of Canada. If any such provision as this is desirable it should be brought in as an amendment to the Election Law itself. That is where it properly belongs, and it should be presented to the House of Commons. That a contractor or anybody else should have a right to contribute legitimately to the expense of an election contest, I do not think anybody will deny; that he should contribute otherwise, everybody knows is against the law, and he would be punished for it as the law stands. This amendment is aimed at a class of men against whom we have no more right to legislate than against any other portion of the community, and I fail to see that the argument of the senior member for Halifax should have any special weight when he appeals to the Conservative members of the House to pass such an amendment as this in order to keep their party in power. I can assure the hon. gentleman that there is no necessity for such legislation as this to sustain or strengthen the position of the great Conservative party in Canada. I think we stand in a position in which we can compare favorably the purity of our elections with that of the elections of our opponents. While I do not wish to provoke a disscussion on a subject of this kind, if such a debate should arise I shall be most happy to take part in it, but in the meantime I contend that it would be an entire waste of time, and probably jeopardize the measure, if it has any merit in it, to send it back with that amendment to the Commons. If my hon. friend had wished to defeat the proposition which Mr. Casgrain has urged with so much persistency in another place, he could not have devised any plan which would more effectually accomplish that object.

HON. MR. KAULBACH—We have a very important Bill before us for prevention of fraud in the expenditure of public money in contracts, which I approve of as it now stands. It has had the approval of the other branch of Parliament, and I believe has the approval of the majority of the members of this House. Although I am not very much opposed to this amendment, still, as it might have the effect of imperilling the Bill, from which so much benefit is expected, I hope it will be withdrawn by the hon. gentleman from Woodstock. I agree with the hon. gentleman from Niagara that this clause would be better incorporated in the Election Law than in this Bill. As to re-establishing the character of this House, as the hon. gentleman from Halifax has said, I do not think it requires any action of this kind to maintain our character, because I do not believe that anything has been done or said in this branch of the legislature to lessen it in the estimation of the public. As to the unbiased exercise of the franchise and purity of election, we must all feel in the interest of good Government that they should prevail, and that object can be secured under the existing Election Law. I believe that the contractor who gets his contract from the Government and his money, under proper checks and guards, has a right to do with it as he pleases, and if he thinks proper to apply it as other individuals do towards aiding legitimately an election in which he has an interest, as a member of a party, do not see why he should not do so. If he contributes it to the poor it might be considered a charitable thing, and we have it on good authority that "charity covers a multitude of sins." Then, my hon. friend from Woodstock says there is a higher power to check improper influences no doubt there is, and he might for the present leave it to that higher power to check the improper influences referred to in his amendment.

HON. MR. ALLAN—I think if we were to follow this proposition to its legitimate

conclusion we ought to enact that contractors while having contracts under the Government should not be allowed to vote; it would be the logical sequence of this amendment. If the hon. gentleman who has charge of the Bill accepts the amendment, I think the responsibility, to a certain extent, will rest with him. If he thinks it will not defeat the Bill, and the House of Commons will accept it, well and good. I feel disposed myself to allow the amendment to pass, if the gentleman who has charge of the Bill has no objections to it.

HON. MR. PELLETIER—All I can say is that I saw the hon. member who had charge of the Bill in the other House, and he said he could not refuse to accept the amendment, because it was his intention in the other House to have it included in the Bill, but he is under the impression that to amend it at this stage of the session would defeat the measure. I feel myself that if the amendment is adopted now it will kill the Bill, and I would rather that the hon. gentleman from Woodstock would not press his motion.

HON. MR. ALEXANDER.—I wish to say a word in reply to the observations of the hon. gentleman from Niagara in regard to the election law. The hon. gentleman said that there is a perfect safeguard in that law in the provision for the punishment of parties who are guilty of using money improperly at elections. The hon. gentleman knows that that punishment is for candidates. Then with regard to another observation of my hon. friend (who, we all acknowledge is a great parliamentarian), that it is very improper to incorporate this amendment in a Bill of this sort, and that it ought to be brought in as an amendment to the election law, I hope the hon. gentleman, who is a warm ally of the leader of the Government will use his influence with the Ministry to have them bring in a Bill of this character next session

HON. MR. PLUMB—The hon. gentleman is entirely mistaken when he says that the Election Law imposes a penalty only on candidates, for bribery; it provides for the punishment of any person found guilty of bribery—a fine of $200 or imprisonment, at the discretion of the Court.

HON MR. ALEXANDER—Can the hon. gentleman name a single instance in which a voter has been punished for bribery since 1874?

HON. MR. PLUMB—That has nothing to do with the Act. The law does not compel anybody to proceed against a person for bribery, but the power to do so is there. The fact that no such cases have occurred since the law was enacted, shows the purity of the elections since the party with which I am associated came into power.

HON. MR. PELLETIER—The hon. gentleman from Woodstock must see that the sense of the House is against his amendment, and I hope he will withdraw it.

HON. MR. ALEXANDER—I have no desire to press the amendment, against the wish of the House.

The amendment was withdrawn, and the Bill was read the third time and passed.

THE CREDIT VALLEY RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. ALLAN—Pursuant to the notice which I gave, I propose to move that the following clause be added to Bill (50) "An Act to Amend an Act Respecting the Credit Valley Railway Company," and that such clause do stand as clause "E" of that Bill:—

"Provided that nothing herein contained shall affect any pending suit or litigation, nor any contract, covenant or agreement heretofore made between the said Credit Valley Railway Company and any corporation or individuals, nor any terms or conditions imposed upon the said Company by chapter 166 of the Revised Statutes of Canada."

This is for the purpose of guarding against any difficulty that might arise from any agreement that the Credit Valley Railway Company may enter into with municipalities; it is to preserve them in their integrity as they are now that I propose to add that clause.

The amendment was agreed to, and the Bill as amended was then read the third time and passed.

CUSTOMS ACTS AMENDMENT AND CONSOLIDATION BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (34), "An Act to amend and consolidate the Acts respecting the Customs."

The motion was agreed to, and the Bill as amended was read the third time and passed.

COURTS OF JUSTICE EVIDENCE BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (P), "An Act to make provision for the taking of evidence in relation to criminal matters pending in Courts of Justice in any other of Her Majesty's Dominions or before foreign tribunals.

HON. MR. GIRARD, from the Committee, reported the Bill without amendment.

HON. SIR ALEX. CAMPBELL moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

HIGH COURT OF JUSTICE, ONTARIO, BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (Q) "An Act respecting the High Courts of Justice for Ontario."

HON. MR. READ, from the Committee, reported the Bill without amendment, and it was then read the third time and passed.

COUNTY COURT JUDGES IN ONTARIO BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (R) "An Act respecting County Court Judges in the Province of Ontario."

HON. MR. LEONARD, from the Committee, reported the Bill without amendment and it was then read the third time and passed.

NEW BRUNSWICK RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. BOTSFORD moved the second reading of Bill (57) "An Act further to amend the Acts relating to the New Brunswick Railway Company."

He said: This is a Bill sent up by the House of Commons connected with the New Brunswick Railway, which had been incorporated previously by the Local Legislature of New Brunswick with power to extend the Railway, I believe, to the boundary of Quebec. Since it was so incorporated, they made an application to Parliament to get an amendment to their Act which authorized them to increase their capital to $3,500,000. That amount has been spent, and they contemplate extending the Railway from the frontier of New Brunswick to Riviere du Loup, and although power was given by the amendment which was passed in 1880 by the Parliament of Canada, it is necessary for them to increase their capital, and one of the principal objects of this Bill now before us is to obtain power so to increase their capital as to extend this work to Riviere Du Loup. Under the provisions of their charter, and with the assent of the New Brunswick and Canada Railway Company, which was also incorporated by the Province of New Brunswick, they have leased that railway, which is to connect with the New Brunswick Railway at Woodstock, and there are also branches which connect with the State of Maine, and a railway from St. John to Maine, and the parties have entered into a contract, which is set forth in the Bill at length, by which the New Brunswick and Canada Railway Company have leased their road and privileges to this New Brunswick Railway Company, which will enable the latter to have the whole system complete from Riviere Du Loup through a certain part of the Prov-

ance of Quebec, and through a portion of New Brunswick. The House will recollect that the Government have given subsidies to certain railways in Ontario, Quebec and Nova Scotia, and this is one of the lines which were so subsized by the Government last year. The Company received a subsidy from the Dominion Parliament of $3,200 per mile, which will eable them, together with the extension of their capital for which they now ask, to complete this road from Riviere du Loup. It will therefore be seen that by such extension it will be a through line of railway, not only for the Province of Quebec, but also for the Province of New Brunswick, and this company will be enabled to carry out the object which was contemplated when it obtained a lease of the New Brunswick and Canada Railway. There is a provision which confirms the lease, and which is set forth in the Bill. Some doubt, however, has arisen as regards the legality of the lease under the incorporation which these respective companies had under the legislation of New Brunswick, and this Bill contemplates the legalizing of that contract. There is additional security to the public also in the provision in this Bill that the Company now, through the whole extent of its operation, will come under the General Railway Act for the Dominion. By the amended Act, which was passed in 1881, the new portion of the road which it is contemplated to extend, was made subject to that General Railway Act, but this Bill will now make the whole of the railway which was previously constructed under the former Act of incorporation, come within the terms of the General Act. I think there can be no objection to this Bill. It will be referred to the Committee on Railways, and I have no doubt that it will be found that its provisions are such as to materially advance the interests both of Quebec and New Brunswick. Briefly summarized, the objects of the Bill are to increase the capital of the company, to consummate the agreement made under the existing charters of the companies named, and to make the whole of the road constructed previously, as well as that which has been completed recently, subject to the terms of the General Railway Act. Under these circumstances, I beg to move that the Bill be read the second time.

The motion was agreed to, and the Bill was read the second time.

GENERAL INSPECTION ACT AMENDMENT BILL

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (104) "An Act further to amend the General Inspection Act, 1874."

HON. MR. NELSON, from the Committee, reported the Bill without amendment.

HON. SIR ALEX. CAMPBELL, moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

GRAND TRUNK TRAFFIC ARRANGEMENT BILL

FIRST READING.

The following Bill from the House of Commons was introduced and read the first time.

Bill (113) "An Act to authorize the Grand Trunk Railway Company of Canada to extend their traffic arrangement with the North Shore Railway Company for fifty years from the date thereof."

HON. MR. VIDAL moved that it be referred to the Committee on Standing Orders and Private Bills, to be dealt with as a petition, no petition for it having been reported upon.

HON. MR. MILLER—I know there is a difference of opinion between the hon. gentleman from Sarnia and myself, but I certainly think that under the rule, it will go as a matter of course.

HON. MR. BOTSFORD—Certainly it would be the most convenient way to construe it so; there is, however, this difficulty, that it would have to come back again to the Committee.

HON. MR. MILLER—It comes back here again as reported upon.

HON. MR. VIDAL—Then, when reported upon, the second reading will be moved.

HON. MR. MILLER—Have we not had that Bill before us?

HON. MR. VIDAL—This is a Bil recently introduced in the House of Commons, not founded upon a petition. The Hon. Mr. Ferrier is in charge of it, but he is not present and he asked me to have it referred to the Committee on Standing Orders.

The motion was agreed to.

BILLS INTRODUCED:

Bill (108), "An Act further to amend the Act respecting the Harbor of Pictou, N. S." (Sir Alex. Campbell.)

Bill (114), "An Act respecting the Canadian Pacific Railway Company." (Mr. Allan.)

Bill (25), "An Act to amend the law respecting cruelty to animals." (Mr. Vidal)

Bill (31), "An Act consolidating and amending the several Acts relating to the Militia and Defence of the Dominion of Canada." (Sir Alex. Campbell.)

The Senate adjourned at 5.50 p. m., until Friday next.

THE SENATE.

Ottawa, Friday, May 4th, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills were read the third time and passed without debate:

Bill (44) "An Act to incorporate the Grange Trust" (limited).—(Mr. Allan.)

Bill (64) "An Act to incorporate the Pacific and Peace River Railway Company."—(Mr. Sutherland).

Bill (76) "An Act to amend the Act to incorporate the Northern, Northwestern and Sault St. Marie R'y Company and to change the name of the said Company to the Northern and Pacific Junction R'y Company."—(Mr. Allan).

Bill (88) "An Act to unite the Winnipeg and Hudson's Bay Railway and Steamship Company and the Nelson Valley Railway and Transportation Company into one corporation under the name of 'The Winnipeg and Hudson's Bay R'y and Steamship Company.'"—(Mr. Plumb).

SASKATCHEWAN AND NORTH-WESTERN RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. SUTHERLAND moved concurrence in the amendments proposed by the Committee on Railways, Telegraphs and Harbors to Bill (74) "An Act to incorporate the Great Western Railway Company."

HON. MR. POWER—I do not rise for the purpose of opposing the amendment, but I wish to call the attention of the House to the fact, that in this Bill, and in the two Bills that have just been read the third time, the Committee on Railways, Telegraphs and Harbors have made an amendment differing in character from those we have been in the habit of making in such bills. The amendment is a somewhat important one, and one that may have a good deal of influence on the future operations of these companies. Formerly the provision with respect to bills and notes in railway company incorporation Acts, was of this kind:—

> The Company shall have power and authority to become party to promissory notes and bills of exchange for sums not less than one hundered dollars; and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company as President or Vice-President thereof and countersigned by the Secretary, and under the authority of the Directors, or of a standing by-law of the Company shall be binding on the Company; and and any such promissory note or bill of exchange made, accepted or endorsed by the President or Vice-President and countersigned by the Secretary, shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President or Secretary be individually re-

sponsible for the same, unless the said promissory note or bill of exchange has been issued otherwise than as aforesaid: Provided however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

That is the form in which the Bill came to us, and the Committee, in pursuance of the practice intoduced in this House some two years ago, struck out the provision as to the authority of the directors and the standing by-law of the Company, and the Bill went on to say:—

"That any promissory note or bill of exchange made, accepted, or endorsed by the President or Vice-President and countersigned by the Secretary, shall be presumed to have been made with proper authority until the contrary be shown."

The action of the Committee with respect to these three Bills which have just been before us, differs from its former action in this, that the Committee have struck out the words, "until the contrary be shown." So that any bill that is accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary is presumed absolutely to have been made by proper authority. I do not propose to say whether that is an improvement to the Bill or not, but I simply say that it is an amendment of a new character, and an important one; and as some honorable gentlemen in the House were not present at the meeting of the Committee I think it well to bring the matter to their notice.

HON. MR. KAULBACH—It is relieving the holder of the bill from having to prove that the parties had authority to sign it.

HON. MR. POWER—It is not that; he was relieved of that already.

HON. MR. KAULBACH—It had to be proved that it was signed under the authority of a majority of the directors.

HON. MR. POWER—The effect is this; that if the note is now signed by the President and Vice-President, and countersigned by the Secretary, it binds the Company under any circumstances. Under the Acts in the form in which we have passed them heretofore, the onus was thrown on the Company of showing that any particular note or bill had not been properly made; but now we have gone much further than that, and we say that the note is conclusively presumed to be good, no matter what fraud may be shown on the part of the officer.

HON. MR. MILLER—It does not apply in case of fraud.

HON. MR. MACFARLANE—The amendment is in favor of the noteholder.

HON. MR. VIDAL—I think there is some force in the remarks of the hon. gentleman from Halifax. It is the intention of the Committee to give additional security to the general public and the innocent holder of the notes, not to render it necessary that a third party holding those notes should prove that they were properly issued—that there was a proper meeting of the directors, and that a quorum was present when they were authorized.

HON. MR. POWER—That was done two or three years ago, but this last amendment is something new.

HON. MR. VIDAL—I am quite aware it is something new; but the evident intention of the Committee was to secure the object I have explained. by striking out the words "unless the contrary be shown." I have some doubt as to the expediency of striking them out, and the numerous alterations which have been made to this particular clause by the Committee, at different times, have impressed me with the idea that it would be a very desirable thing if we could embody in plain English the objects we desire to secure by that clause, and place a memorandum of that kind in the hands of some professional gentleman, say the Law Clerk of the Senate, in order that a clause might be drafted in which our views would be legally and properly expressed. I do not think they are so expressed in the clause as it came to us, or in the clause as it now stands.

HON. MR. SCOTT—As a rule railways and all other incorporated companies find it convenient to issue bills and notes when they are authorized to do so by their several charters. In all such cases it requires

two officers of the Company to become parties to such bills or notes, and unless the holder is in collusion with those officers he is protected by this clause. Heretofore, I understand, the rule has been that in case a question arose as to whether the officers had authority, if the Company showed that they negatived that authority by a by-law, and proved that the officers were not authorized to bind the Company, the holder of the paper would lose. It requires both officers to be parties to that fraud. My view of it is that if anyone is to lose through the fraudalent conduct of the officers of a company, then, as between the Company and the innocent holder, the latter should be protected, and that is the effect of this clause. During the last two years we have had this provision that presumably officers who accept bills or notes for a company have authority to do so, but it was always competent for the Company, if the matter went into litigation, to prove in a court of justice that the officers named had no authority to issue and negotiate notes for the Company. It requires the leading officer of the Company and the treasurer (who is supposed to give high security) to commit the fraud, and the party upon whom the fraud is committed must be in no way in collusion with those officers. If anybody must suffer under such circumstances, it should be the Company, because their officers are engaged by them for an important trust. It is a hardship it is true, but it can only happen once to a company, because the guilty officers can be dismissed at once. A serious wrong could not be done to the Company without it being discovered, if the directors exercised proper supervision. Therefore it seems to me more equitable and just that the innocent holder dealing with the Company should be protected, rather than that the Company should be protected against its own dishonest officers.

Hon. Mr. PLUMB—Perhaps it would make the whole subject more clear to those gentlemen who have not been on the Railway Committee if we could show what change was made in that clause Under a common section which is in all railway charters, power is sought by the company to become parties to promissory notes and bills of exchange for sums not less than $100, and such notes, when issued "under the authority of a majority or quorum of the directors shall be binding on the Railway Company." Now the words "under authority of a majority or quorum of the directors" have been stricken out. Then the clause continues "and any such promissory notes or bills of exchange so made as aforesaid shall be presumed to have been made without proper authority until the contrary be shown." The words "until the contrary be shown," are stricken out. The clause goes on to say: "Nor shall the President or Vice-President or Secretary be individually responsible or liable for the same, unless the said promissory notes or bills of exchange have been issued otherwise than as aforesaid." That part of the clause, of course, is to prevent the possibility of those who are parties, as drawers of the bills, being made individually liable if they have made those acceptances with proper authority. The other two alterations, as my hon. friend has just stated, are to protect the innocent holders, and to make the railway Company liable in all cases for the notes, bills, or acceptances which have been drawn, accepted or endorsed by the officers of the Company (the President or vice-President), and countersigned by the Secretary, and that no plea shall be set up that they were not authorized by the Board. If there is no collusion or fraud between the holder and the makers of the bill, then no matter how much it has been in excess of the powers that were granted to the officers, the Company is liable. There is no doubt it is a grave departure from the usual rules which have governed the granting of charters of this kind, and there is a great responsibility placed upon the directors of railway companies. It is an additional danger which is incurred by every shareholder, or everyone that is connected with the Railway Company. It is a protection to the public, but it is a very serious matter to solvent companies whether they are to be bound, under any or all circumstances, by the fraudulent acts of their subordinates and officials. The rule has been adopted; whether that rule may meet with the judgment of Parliament, or may be part of the legislation in respect to these companies, is one of those propositions which now, almost for the first time, is offered for the consideration of the Senate, and will be submitted to the other House. I had a great

deal of doubt as to whether so sweeping a change should be made. My own impression was that it might alarm those who were likely to invest their money in railway undertakings Cautious men would undoubtedly be exceedingly alarmed by the knowledge that they could be compromised so largely as they might be by the acts of their officers. Although my hon. friend says that that can only happen once, that once might be once too often. That single instance might be sufficient to ruin all the prospects of the Company, as in cases of the over-issue of stock, as has happened to many railway companies that we know of, where the officers have issued fraudulent paper. No protection can be afforded against that kind of act so long as this clause remains in railway charters. I had a doubt about it, but it seemed to be the sense of the Committee, and while I felt that there were grave reasons for not agreeing fully with the sense of the Committee, I saw it was a matter that they were disposed to accept, and I only wish now to say that I did not fully concur in the adoption of that change. It may lead to very serious results, but I do not think for the present it can be very injurious to any of the projects which are of a meritorious character, and which of course it is in the interest of Parliament to encourage in every way—those railway charters I mean which are likely to be bona-fide, to open up the North-West. I think we ought not to unnecessarily hamper those projects, but if it is found that this makes it a serious obstacle, I have no doubt there will be time to consider it at a future session.

The motion was agreed to and the Bill was read the third time and passed.

CERTIFICATES TO MASTERS AND MATES OF INLAND AND COASTING SHIPS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (89) "An Act respecting certificates to masters and mates of inland and coasting ships."

HON. MR. MONTGOMERY, from the Committee, reported the Bill with amendments, which were concurred in, and it was then read the third time and passed.

PICTOU HARBOR ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (108), "An Act further to amend the Act respecting the harbor of Pictou."

The motion was agreed to and the Bill was read the second time.

CANADIAN PACIFIC RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (114), "An Act respecting the Canadian Pacific Railway Company."

He said: The special circumstances which led to the introduction of this Bill in the other branch of Parliament are perfectly well known, I imagine, to all hon. gentlemen, and the character of the Bill also is, no doubt, familiar in consequence of the discussion which took place in the House of Commons in relation to it. The Bill asks that power may be given to the Canadian Pacific Railway Company, to lease from the Credit Valley Railway Company, the Ontario and Quebec Railway Company and the Atlantic and North-West Railway Company, the railways of the two first mentioned companies and such portion of the railway of the said Atlantic and North-West Railway Company as shall be required to complete a through route from Montreal and from a point on the south bank of the St. Lawrence River near Montreal, to the western terminus of the Credit Valley Railway.

It also provides that in the event of the Canadian Pacific Railway Company entering hereafter into any agreement of amalgamation, or into any pooling arrangement with the Grand Trunk Railway Company, either in respect of the lines hereby authorized to be leased, or any of them, or with respect to any portion of their line, or into any agreement for the joint use of their respective railways, or of the Grand Trunk Railway and the lines hereby authorized to be leased: then, and thereupon, the authority hereby granted to the Company for the leasing of the said lines, shall lapse and determine;

but no obligation assumed or undertaken by the Canadian Pacific Railway Company, under the provisions hereof, shall be affected by such lapse or determination. The preliminary agreement is set forth in the schedule to the Act under which they ask for these powers to lease. I propose to refer the Bill to the Standing Committee on Railways, Telegraphs and Harbors, where it will receive full investigation.

The motion was agreed to, and the Bill was read the second time.

CRUELTY TO ANIMALS ACT AMENDMENT BILL.

SECOND READING.

HON. MR. SKEAD moved the second reading of Bill (25) "An Act to amend the Acts respecting Cruelty to Animals."

He said: I left the House the day before yesterday a short time before the adjournment, and the hon. gentleman from Sarnia kindly took charge of this Bill in my absence. This measure is simply intended to amend the laws respecting Cruelty to Animals. The promoters are residents of this city, very respectable people, who have given a great deal of attention to this subject. I know that many cases of cruelty to animals occur which there should be some law to prevent or to punish. I would ask to have this Bill read the second time and referred to Committee where the details of it can be more fully explained. Copies of the by-laws of the Society have been sent to the post offices of the two Houses for distribution to members.

HON. MR. KAULBACH.—The object of the Bill is certainly a very good one, but evidently some amendments are necessary. These details, however, can be considered in Committee.

HON. MR. REESOR—I wish to call attention to the fact that this will interfere very seriously with the pleasures of the huntsmen. It includes wild as well as domestic animals. The Hunt Club of Toronto keep a number of foxes which they pursue with hounds. It may be considered cruel to turn out twenty hounds after a fox, and the members of the Club might be subject to a fine under the provisions of this Bill.

HON. MR. ALMON—I rise, not to oppose this Bill going to the Committee, but to say that I think this is one of those pieces of clap-trap sentimentality of which we have had several specimens this session. I do not know what necessity there may be for such legislation in Ontario, but as far as Nova Scotia is concerned, we have an excellent law there for the punishment of over-driving and overloading horses. There are a great many slang phrases in this Bill. What is "tail-piping" and "gingering"? I do not like the people of this Dominion to be accused of crimes of which they are not guilty. I never heard of any animal being buried alive. Talk of cruelty to animals! Man is an animal; he has been described as an "unfeathered biped." Here is a sentence of 57 lines; is it not cruelty to an "unfeathered biped" to ask him to read a sentence of that length? Yet there is no punishment provided for that. I agree with Isaac Watts:—

> "Let dogs delight to bark and bite
> For God hath made them so."

If we interfere less with those matters the cause of humanity will be better subserved. However, the Bill is to go to Committee and we can deal with it there. I think the measure is intoduced for the purpose of getting up a cheap character for humanity.

BILLS INTRODUCED.

The following Bills from the House of Commons were introduced and read the first time:

Bill (66) "An Act to incorporate the Quinze Pier, Boom and Improvement Company."—(Mr. Skead).

Bill (118), "An Act to amend the Act incorporating the European, American, Canadian and Asiatic Cable Company (Limited), and to change the name thereof to 'The American, British and Continental Cable Company (Limited).'" (Mr. Miller).

Bill (116), "An Act further to amend the Act respecting the incorporation of a company to establish a Marine Telegraph between the Pacific Coast of Canada and Asia." (Mr. Macdonald).

The Senate adjourned at 5 p. m.

THE SENATE.

Ottawa, Saturday, May 5, 1883.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills were read the third and passed without debate :—

Bill (42), "An Act to Amend and Continue in Force the Act to Incorporate the Grafton Harbor Company, and for other purposes."—(Mr. Flint).

Bill (53), "An Act Further to Amend the Acts relating to the New Brunswick Railway Company."—(Mr. Botsford).

GRAND TRUNK RAILWAY COMPANY'S BILL.

RULES SUSPENDED.

HON. MR. VIDAL—Before reading the motion of which I have given notice I would again call attention to the circumstances connected with it, and which have already been alluded to on several occasions during this session, regarding the imperfection of one of our rules respecting legislation upon private Bills coming to this Chamber from the House of Commons. I think it must be obvious to all that it would be of very great importance if uniformity in the action of both Houses with respect to the mere formalities antecedent to the introduction of a Bill, should be arrived at by whatever process we could adopt. It has been the universal practice, since I have had the honor of a seat on the Private Bills Committee, to accept the decision of the House of Commons with respect to the sufficiency of notice, or the dispensing with notice, with respect to every Bill that has come before us ; but it is quite obvious that we are open to a collision of opinion on this point between the Committee of this Chamber and the Committee of the House of Commons. It is exceedingly desirable that there should be no opportunity left open for such a collision as may take place under our present rule, and I would again suggest to the House the importance of making some change in one direction or the other. Let it be understood that a Bill having passed the other House, where the notice has been considered sufficient, it should be accepted in this Chamber as though such a report had come from our own committee. Of course such a rule would work both ways and the report of our committee would be received in the other House as sufficient. Otherwise, there, should be a joint committee of both Houses, on Standing Orders so that by that joint committee the question could be at once and finally decided as to the sufficiency or insufficiency of the notice given, and so relieve us from unpleasant occurrences such as have taken place to-day, which are really the origin of the motion I now propose to make. With reference to that motion, I would simply invite your attention to the Bill to which it relates. It is a very small Bill, containing only one important clause that asks that a certain traffic arrangement made between the Grand Trunk Railway and the North Shore Railway, which already legally exists for a period of 21 years, should be extended to a period of 50 years. It is asked for because, in negotiating their bonds in the old country, the Grand Trunk Railway have found that their bonds, when extending over a long period of years, are more saleable and more eagerly sought for by capitalists in the money market than bonds payable in short terms, and steps have been taken to negotiate bonds extending over 50 years, based upon these traffic arrangements into which they have entered with the North Shore Road. They ask that these bonds may rest on an authority distinctly and clearly given by Parliament. In my judgment, it is just one of those cases where no private rights are interfered with, and I cannot conceive it possible how private rights can be affected in any way by the traffic arrangements between those two companies, which now exists and will be in operation for 21 years. I cannot see that public or private interests are affected in such a way as to justify anyone in petitioning Parliament in opposition to this Bill. Of course it has been contended that insufficient notice, or no notice, has been given with reference to this legislation. I have no doubt of the fact that the notice is insufficient so far as our rules require it, but I contend that the object

we desire to secure by those rules has been attained; I hold that sufficient publicity has been given to the public for all parties to have ample opportunity to appear before Parliament, if they consider their rights are interfered with. There has been already legislation in the Quebec Legislature on this subject. That Assembly had granted the legislation necessary to the Grand Trunk Railway to extend this arrangement for 50 years. That was ample notice to the public. This Bill was introduced into the House of Commons where there are a number of gentlemen representing the constituencies in Quebec. They knew of its introduction, and if there was anything in it affecting the rights of parties in their Province why did we hear of no opposition to it? Why has no petition been presented against it in this House or in the House of Commons? The fact is that all parties interested in this measure have had ample opportunity to make any objection they had against it before the Bill reached its present stage. I am quite aware that yesterday the Committee on Standing Orders and Private Bills, to which this Bill was referred, presented their report and merely stated the fact that no notice had been given. That Committee has not thought it necessary to express an opinion upon the case at all. It has neither recommended a suspension of the rule, nor said anything adverse to the suspension, and I take it that under those circumstances I am perfectly justified in asking the decision of the House on the question. It is not asked in opposition to the views of the Committee. Had the Committee reported adversely to the Bill, I would have moved that it be referred back to them for further consideration, but standing as it does before us without any expression of opinion of that kind, I think I am entirely correct in taking the course which I am now doing in reference to it, and asking the House to suspend the rules which relate to the publication of notice, required in the ordinary course for private bills coming up from the other Chamber to this House. I will now move that the fifty-first, fifty-sixth and fifty-seventh rules of this House be suspended in so far as they relate to the Bill from the House of Commons (No. 113) intituled: "An Act to authorize the Grand Trunk Railway Company of Canada to extend their traffic arrangement with the North Shore Railway Company to fifty years from the date thereof."

HON. MR. DEBOUCHERVILLE.—I do not rise to oppose this motion as I do not think the time has arrived for discussing this Bill, but I think it my duty not to allow certain remarks of the hon. gentleman to pass without calling the attention of the House to the fact that in my opinion he has not explained correctly the nature of the Bill. As I understood the hon. gentleman, he said that a Bill had been passed in the Quebec Legislature of the same character as this, giving the company authority to issue debentures redeemable in 21 years. I have looked for that Bill but have failed to find it though we have copies of the Quebec Acts in the Library. I do not remember that this arrangement which was made on the 27th day of February, was known in Quebec, and I propose to call the attention of the House on the second reading of this Bill to many features of it which in my opinion are very objectionable. If I am not mistaken I think the hon. gentleman stated that this Bill was merely for the purpose of giving the company greater facilities for borrowing money in England. I think I will be in a position to show that it has a much larger scope than the hon. gentleman says it has.

The motion was agreed to.

HON. MR. VIDAL moved that the Bill be read the second time on Monday next.

HON. MR. TRUDEL asked that the second reading be postponed until Tuesday next as several hon. gentlemen who are interested in it could not be present on Monday, and he was obliged to be absent himself on professional duties.

HON. MR. VIDAL said he would agree to take the second reading on Tuesday for the reason assigned.

The motion was agreed to.

BILL INTRODUCED.

Bill (45), "An Act further to amend and to consolidate as so amended the

several Acts respecting the public lands of the Dominion therein mentioned." (Sir Alex. Campbell.)

RAILWAY TRUST AND CONSTRUCTION COMPANY OF CANADA BILL.

AMENDMENTS CONCURRED IN.

The order of the day having been read :—" Consideration of amendments proposed by the Committee on Banking and Commerce to Bill (41), 'An Act to incorporate the Dominion Railway Trust and Construction Company of Canada, (limited)."

HON. MR. ALLAN said: The first of these amendments is so the first clause of the Bill; it consists in striking out certain words, wherein the company not only ask to be incorporated themselves, but to have their respective heirs, executors administrators and assigns incorporated also. These words the Committee struck out. The next amendment is in the sixth clause, where there was rather a singular provision: that the election for directors of the company should be held in the manner and form provided by the Consolidated Railway Act of 1879, and that all powers and privileges which it confers should be incorporated with this Act, and conferred upon this company. The Committee considered that that could not possibly have been seriously contemplated, and they therefore struck that out and inserted a provision that the Bill should be under the "Canada Joint Stock Companies' Clauses Act, 1860." Then in the 8th clause the company takes power to enter into contracts and agreements with any corporation, municipal or otherwise, or any person, for the constructing and equipping of railways, steam and other vessels, canals, telegraph and telephone lines, bridges, warehouses, elevators, docks, and other public works. The Committee there inserted the following words: "authorized by law to build, construct, equip, maintain, or operate the same"—that is, that they should only have power to enter into contracts with companies duly authorized by law to construct these works. Then in the eleventh clause the company take power to act as trustees or agents for the purpose of issuing or countersigning certificates of stock, bonds, or other obligations of indebtedness of any railway or municipality or other corporate bodies, and to make advances on the security of the same, and to pledge and guarantee such stocks, bonds, debentures or other securities, or obligations, and to receive interest or dividends thereon, and to manage any sinking fund in connection therewith. The Committee thought it was not well they should have that dower unless a larger amount of capital than that proposed by the Bill originally should be paid up. They therefore put in another provision, that when $500,000, of the capital stock have been paid up, the company shall have power to act in this way. The 11th clause is further amended in accordance with amendments which have been adopted in all bills of similar character to this. The last amendment is adding a clause (A) providing that, "the provisions of the Canada Joint Stock Conpanies' Clauses Act, 1869, are hereby incorporated with this Act, except in so far as they are inconsistent herewith."

HON. MR. VIDAL moved that the House do concur in the amendments.

The motion was agreed to, and the third reading of the Bill was ordered for Monday next.

PICTOU HARBOR AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (108), "An Act further to amend the Act respecting the Harbor of Pictou."

HON. MR. SUTHERLAND, from the Committee, reported the Bill without any amendment.

HON. SIR ALEX. CAMPBELL, moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time and passed.

MILITIA AND DEFENCE CONSOLIDATED AND AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL—moved the second reading of Bill (31)

'An Act consolidating and amending the several Acts relating to the Militia and defence of the Dominion of Canada."

He said—the changes in the Militia Bill are not very great, but I thought perhaps it would not be without interest if I presented to the House (which I can do in a few minutes) the state of the Militia service of the Dominion. This service includes all the men who are within certain ages in the population of all the provinces. The total population of the Dominion is estimated at 4,500,000; and the calculation made by the Militia Department, of one in five, gives about 900,000 as the number of men liable to serve in the Militia. The original Act and some later statutes provided for the enrollment of the force, and would have required the names of those 900,000 men to have appeared upon the record of the Militia Department. But that enrollment would have cost a great deal of money, and from time to time various Acts of Parliament were passed, both by the late Government, and the present Administration, postponing the period for enrollment. It has constantly been said that the information to be derived from the Census might and would furnish all the information which the Militia Department desired to obtain, so that the matter still remains not the result of enrollment, but the result of an estimate, and that estimate is the one which I have given. Those 900,000 are divided into the active and the reserve militia. The active force consists of about 37,000 men, and that number is divided into city and rural corps, the former embracing 9,379, and the latter 27,542 men. The active force includes—although it is outside of those numbers—Batteries "A" and "B," the one stationed at Kingston, and the other at Quebec, and the two together numbering 316 men. So that the force at this moment available for the defence of the Dominion consists of the above named city and rural corps and "A" and "B" Batteries. That force is more or less sufficient; Batteries "A" and "B" are thoroughly efficient, equal, I believe—and am glad to state,—to any batteries in the Royal Artillery. The city corps are very effective, also, for militia, and they have the advantage of being drilled every year. The rural corps, with, perhaps, stronger phisique and greater capacity in many respects for becoming good soldiers, have not had the advantage of the city corps in regard to drill. They are not drilled every year, but every two years, and in one or two cases, only every third year. That such should be the fact is much to be regretted, and it seems to me that to have men in uniform and not thoroughly drilled is bad economy. I think it would be much better (though that is not part of this Bill) to reduce the number of corps, and, if possible, to drill them thoroughly. The drill money voted by Parliament amounts to $250,000, and unfortunately does not allow that principle to be adopted. It only admits of a certain number being drilled, and the Department of Militia is obliged to expend the money placed at its disposal to the best of its judgment with a view to producing the best results throughout the whole Militia force. They do it by drilling the city corps annually, and a certain proportion of the rural corps biennially, though some one or two of the rural corps are drilled only every third year. This involves, as I have stated, a cost of $250.000. I was anxious to know how that amount was expended; how much went to the officers, and how much to the men. I find that the officers are to be paid according to their respective ranks. The law heretofore has provided for their being paid at the rate of one dollar a day, but for some years the Department has paid them according to their respective ranks. It is now proposed to confirm that practice by law; so that hon. gentlemen will have a general idea of what is to be given to each officer, and to each man. The Colonel will receive $4.87 per day, and the other officers in proportion, until you come down to the ensign. I was anxious to know also—and I think the House is desirous of knowing—what amount of money was spent on the staff. I have ascertained that the staff costs about $30.000 a year, and the House will bear in mind that the drilling of the whole force costs about $250,000, which includes camping and other incidental expenses; and the staff for the whole force here and elsewhere, including the district staffs, and that at the head quarters costs about $30,000 a year, or about three and three-quarter per cent of the militia drill expenses I do not know, but I am told, that this is a very small per centage, and I am glad to say so, because I think there has been

a feeling abroad that the staff costs too much, that there was more expenditure of that kind than was essential, and more than was fairly proportioned to the force actually drilled. This per centage, gives one the impression that such a belief is erroneous, and that the cost is very moderate. I am told that it is not nearly so great as the cost of the staff in any other force of mixed militia and active soldiers in the United States or in England. It is very difficult, perhaps it is impossible, to draw any fair comparison on that point between the service here and in any European country, or between our service and that of the United States; but I understand that the expenses of our staff, as compared with the whole amount expended upon the militia, is very small indeed. Another circumstance which may interest the House is, that at the time of Confederation the expenditure on the drilling of the militia service amounted to 35 cents per head, of the population, whereas latterly the sum expended upon the same service is only 19 cents per head, so that we are not now expending nearly as much in proportion as we did before Confederation.

HON. MR. BOTSFORD—And the force is much more efficient.

HON. SIR ALEX. CAMPBELL—I believe that it is. Then, there is a further expenditure which I desire to mention to the House. In addition to the officers receiving the pay of their respective ranks, it has been found necessary for years past to shew some consideration to captains who are necessarily put to considerable expense in keeping up their companies and in maintaining their arms and accoutrements in good order. The sum of $40 is therefore allowed to each Captain of a company for drill instruction for the year, and a further sum of $40 for keeping the arms and accoutrements in order. That is the whole extent of the consideration given to officers who are serving in the militia, and the fact that we have so many zealous and competent men—men who give so much time and attention to the service—is, I think, a circumstance upon which the country is to be very warmly congratulated.

I thought it would be interesting to the House to state, as I have done, the total amount expended, and the way in which the service is being carried on. The amendments proposed in the Bill are: first, and principally, to increase the regulars—the best drilled part of the force, so to speak. It is proposed by the Bill to add another battery, making three in all, to be called the "A," "B," and "C" Batteries. As I have stated, the "A" and "B" Batteries number 316 men of all ranks, and the "C" Battery, when formed, will number. probably, 100 men more. One principal reason for creating this third battery, is the necessity which the Government feels for taking some steps with reference to the exposed condition of British Columbia. It is proposed when this battery "C" is organized that it shall be constantly stationed in British Columbia. The danger to which that province is exposed was made very manifest during those months when we were under the impression that there might possibly be war between Russia and Great Britain. The coast of British Columbia is totally exposed, and within easy reach of that province is the Russian fortress of Petropaulovsky, and the forts at the mouth of the Amoor river. I believe at the time when this danger was imminent there was actually a Russian frigate in the harbour of Esquimault, and there was no vessel of ours competent to cope with her. An officer has already been dispatched to the Pacific coast for the purpose of making better arrangements for defence, and if need be for erecting some additional earth works there, and it is proposed with this new addition to the force to station a battery there—not necessarily the same battery all the time, but probably the same on account of the expense of sending troops over. That expense of course would be a less important matter and will present different considerations when our own Pacific Railway is completed; but in the meantime it will probably be a new battery of artillery that will be sent there; possibly part of them may be enlisted in Victoria. Then it is proposed to raise three companies of infantry. The whole strength of the several corps would be 750 men composed of these three companies, one troop of cavalry, the two batteries of artillery now embodied and the new battery of artillery which it is proposed to organise. These corps in

addition to performing garrison and other duties are to serve as practical schools of military instruction by affording officers, non-commissioned officers and men of the militia, opportunities of joining for courses of study and training.

The other amendments point to less important matters, but still matters which might be very essential to the defence and safety of the country. One is the establishment of a torpedo force. That might be very desirable in case our harbors should be threatened with hostilities by some foreign country.

HON MR. SCOTT.—What is the proposed cost of the 750 men?

HON. SIR A. CAMPBELL—$205,000.

HON. MR. SCOTT.—And the torpedo force?

HON. SIR ALEX. CAMPBELL.—It was not proposed to put the provision for a torpedo force into immediate execution and I have no estimate of what it would cost to put it into operation. The other clauses proposed are of less consequence; they grow out of errors or shortcomings which have been found in the Bill up to this time. One is that Her Majesty may disband any corps of active militia if necessary to do so. Another provision is for the appointment of a quarter-master general. I have not learned what use is to be made of such an officer; if he is to be appointed at all, his head quarters are to be here at Ottawa and he is to have the rank of colonel in the militia. Of course he cannot be appointed unless Parliament sees fit to vote the salary, and no request has been made for such vote during the present Session.

Another provision of considerable importance is that military districts may be amalgamated for administrative purposes. When we started the service the country was divided into military districts, and a Deputy Adjutant-General and Brigade Major were appointed for each district. Those officers were, no doubt, necessary during a time when trouble was anticipated, but for some years past it has become evident that a Deputy Adjutant-General and Brigade Major are not necessary for each district. When any such amalgamation shall be made for administrative purposes, it is provided that only one Deputy Adjutant-General should be appointed for the districts so amalgamated, and then that that officer may be called the Brigade Major or Deputy Adjutant-General, as may be considered best.

Another provision is that when men are called out for drill, or training, every officer and man shall receive pay according to their respective ranks. Another new provision is in case where schools of military instruction are established either in connection with Imperial troops or corps of Militia, arms, accoutrements, uniform clothing, and books of instruction, may be issued under regulations to be made by the Governor in Council for use by pupils attending such schools during the period they remain in attendance. Another provision is taken from the English Act; it is for the punishment of persons who tempt soldiers to desert. These are the general provisions of the Bill, and I am quite sure they will commend themselves to the favorable consideration of the House. It is the desire, I am sure, of every member of Parliament, as it is of every person in the country, that the Militia force should stand on the best possible footing consistent with the amount of money we can afford to spend on that branch of the Public Service, and I think the establishment of those schools of military instruction will have a very useful effect. We had, before her Majesty's troops were withdrawn from Canada, a great many non-commissioned officers who were quite capable of imparting a knowledge of drill to any number of men that they were sent amongst; but many years have elapsed since then and we have not now the advantage of the assistance of these sergeants for drill instructions or the advantage of any corps of regular troops on which our militia might model their training, and which in the past promoted amongst our militia that anxiety to be, or seem to be, well-drilled soldiers. The carriage and deportment of our men under arms were much advanced, I think, by the fact that they were able to see a thoroughly drilled force now and then on parade. We have lost all that by the withdrawal of the regular troops, and we must now do as best we can without them; and as we all know that the efficiency of an army depends more

on the non-commissioned officers than on any other point, it is desirable that we should have schools, where the information that goes to make a good serjeant can be procurable, and that, we think, will result from the establishment of those infantry schools. The sergeant now must depend, to a great extent, on his own assiduity, or provide means of his own, or depend on his captain to acquire that knowledge of his profession so essential to him and to the service. Henceforth he will be able to attend this school, and will be provided there with uniform, books of instructions, and arms, so that he will be able to devote sufficient time to acquiring a knowledge of drill, without inconvenience to himself or his family. That will be the great value of those schools. When the Bill is in Committee, I shall be glad to furnish any information that hon. gentlemen may desire in addition to the outline of it that I have now presented to the House.

HON. MR. POWER—Would the hon. gentleman state whether any change has been made in the relations between the general commanding and the Government by this Bill?

HON. SIR ALEX. CAMPBELL—No, none as I understand it.

HON. MR. SCOTT—While the leader of the House was addressing us I took the trouble to tot up the expenditure that we are rapidly rushing into to sustain a standing army in Canada, and I find that it approximates now very closely to $1,500,000—a pretty large sum for the service rendered. The hon. Minister of Justice gave us the figures of the cost of training or drilling of the force in the annual or bi-ennual drill that takes place throughout the country. The sum voted directly this year for militia purposes is $773,000 being an increase of $26,000 over the vote of last year, the chief increase being military clothing $10,000, military stores $10,000, and an additional sum which has been given to rifle team visiting England. I presume that the Government do not ask Parliament for the increased vote this year unless they propose to expend it. For the 750 men embracing the three companies I think the hon. gentleman's estimate of the expenditure was $205,000. If we add to that $416,000, the cost of the North-West mounted police, it brings the aggregate up to $1,446,000.

HON. MR. PLUMB—The Mounted Police are not militia.

HON. MR. SCOTT—It is the only branch of the military service, in my judgment, that is worth very much to the country, I regard the other rather as a pleasing toy—one that possibly has its uses in keeping up the spirit the hon. gentleman alluded to, that was formerly introduced into the country by the presence here of Her Majesty's regular troops; but that any one with common sense would say that the keeping up of an enlarged militia force is of any advantage to the country I deny. Our population is essentially a floating one. Our farmers and our farmers' sons are perpetually changing their homes and moving westward; and if any one compares the men who were volunteers in the counties ten years ago with the men who compose the force to-day they will find that an extraordinary change has taken place. Our young men have moved away, and others have taken their places year by year, so that there is no chance of their acquiring such a knowledge of drill as would be of any great service to the country. In the event of hostilities with a foreign power what would be the use of this army? Will any one pretend to say that it would be any important advantage in defending this country from the invasion of a foreign power? It has been stated that it would be useful in case of a rebellion, but the position of of things to-day is entirely different from what it was in 1812. I do not anticipate rebellion in this country. I think that the position of the masses of the people, and the control of affairs that rests with them render rebellion practically impossible—have removed it out of the range of possibility. The hon. gentleman says that we require a battery and a couple of hundred men to face Russia on the Pacific coast. My hon. friend smiles, I quite recognize that the smile is natural when he proposes sending a battery of artillery and a couple of hundred men to face the power of Russia on our western coast.

HON. SIR ALEX. CAMPBELL—We must do something.

HON. MR. SCOTT—As though if Russia were seriously at war with England she would content herself with bombarding Victoria, or, if she did send a fleet there, that any battery we could establish on shore, unless there were substantial fortifications to sustain it, would be of any benefit as a defence? The battery might serve to keep off privateers, and possibly mounted guns would be of some value in that respect, but not as designed in any sense to cope with the navy of a power like Russia. It might be a very useful police auxiliary there if it were made available under certain conditions.

HON. SIR ALEX. CAMPBELL—It would be valuable against the Indians if necessary.

HON. MR SCOTT—The hon friend on my right (Mr. McClelan) suggests that the *Charybdis* ought to be hauled over to the Pacific coast to form a part of this defensve force. Our best defence in this country is our recognition of the rights of other nations. There is but one power that can in any way disturb the harmony of things on this continent. We are, I am happy to say, year by year improving our friendly relations with that power. We are beginning to feel that we have the same mission in the world's affairs; we feel that we should both go hand in hand in promoting the civilization of the world and cultivating the arts of peace rather than permitting our people to pursue those of war. All things point in that direction. It is our interest, our policy, and our inclination to cultivate the best relations with the only power that could be in the smallest degree aggressive. There is no power on the East to trouble us, nor is there any on the West, except it is the naval power of some country with which England might be temporarily at war, and the resistance that should be offered to such attacks should be by British ships—the only resistance that could successfully defend us from such attacks. We are still, happily, a part of the country that maintains her supremacy upon the ocean. Britain rules the waves to-day just as effectually as she did fifty years ago, and therefore it is by British ships that a foreign aggression will be resisted, not by Canadian arms or Canadian guns.

HON. SIR ALEX. CAMPBELL—Still we must do our share.

HON. MR. SCOTT—Our share would be to furnish very different material than that which goes to make these militia corps. England has been in straightened circumstances within the last few years. We have offered her assistance time and again, but only on one occasion was that assistance accepted. It was accepted in the form of Canada gold when we forwarded it to assist in the care of the wounded in the Crimean war; but so far as our toy army is concerned I think it is perfectly fallacious to expect assistance from it in the event of invasion by a foreign power. I know I am, to a certain extent, shocking the sentiment of a good many hon. gentlemen, who hold different views on this subject, and who think we ought to foster this martial sentiment in our country; but I am here to speak my opinions and convictions—speaking only for myself as an individual—and speaking with the experience gathered in the course of years, to comment on the necessities of the hour, not on the reminiscences of the past. It is all very well to dream of battles gained and laurels won, but none of us seriously contempate that there will ever be any aggressive war in which Canada will be in the slightest degree involved, and therefore I say it is perfectly futile to continue, year by year, wasting so considerable a sum of public money in this direction. I am quite in favor of the expenditure of a considerable part of this sum in a way in which I think we can successfully educate a class of men who may be of some use under certain conditions, but as to the large sum that is expended in getting a body of men out for drill every second year it is practically wasted. They drill for, say, 10 or 12 days, and does not everybody know that in 6 months after the Company is disbanded, they really know no more of the drill and of the movements to which they have been subjected that if they had never been out. We have an intelligent keen, sharp population; many of the young men know well how to handle arms, before they go into camp, and they are better marksmen from the beginning than are the men of other countries; but that they acquire such knowledge by a few days of camping as would qualify them to defend the

country I absolutely deny. It is looked upon by them largely as a time for merry-making and amusement, and if we had an opportunity of tracing up the men who went out one year, and those who went out the second and third years, we would find that they were not in any sense the same men; therefore, practically, no substantial good has been conferred on the community by calling out a certain number of its citizens to take part in this annual training in camp. So far as the Mounted Police force is concerned, of course, that is doing good service. We spend nearly half a million per annum in that direction and nobody will say that that is not necessary. They are in a country where the Indian population is yet to some extent unsubdued, and where a restless roving people living to the south of us are a nuisance to the American Government as they are to our own. The facilities with which parties can cross and recross the border line give rise to a great deal of thieving, stealing of horses and cattle, smuggling whiskey and crimes of that kind, so that the police are a necessity there.

Possibly the batteries which have been referred to are up to the standard that the hon. gentleman claims for them, and the observations I have made with respect to the militia would not apply with equal force to that arm of the service, because they are useful if we are to have an army at all; but as to the balance of the amount which is expended on the sedentary militia of the country I think it is to a large extent wasted.

HON. MR. ALEXANDER—I do not rise to reply to the remarks of the leader of the Opposition. They are quite characteristic of that hon. gentleman.

HON. MR. SCOTT—They are my own individual opinions; the Opposition is not responsible for them.

HON. MR. ALEXANDER—I do not propose to criticise the Bill, which appears to be most carefully drawn to meet the changed circumstances of the country. When we consider the very small amount of money which has been voted I think all must confess that much has been accomplished with so modest a sum. It is all very well for an individual member to throw ridicule on the militia, because it may be said that there is no prospect of war, and therefore no necessity for a military force; but what reader of history, either past or present, does not know that there is not one country in the world which has been exempt from the scourge of war. Whether you take Europe, Asia, Africa, North or South America, all have suffered, except the happy Dominion in which we live. I need not refer to what recently transpired even in Africa, yet we hear the leader of the Opposition say that this Dominion, with its prosperous homesteads, its banks, and all its accumulated wealth, should be left exposed to the attacks of any invading force, small or large. Does the hon. gentleman think he can strengthen his party by the remarks he has addressed to the House on this question? It is not necessary to follow any further such sentiments as the hon. gentleman has expressed to this House. The opinion has prevailed that too large a share of this money voted has been spent upon the staff of the Militia. I do not think, after a careful examination of the matter, that that objection any longer exists. I do not see how the staff can be reduced further. It would perhaps be desirable for the Parliament to vote $200,000 more, for the public defense. I desire to touch on one important point that has not been dealt with by the leader of the House—I refer to the organization of the camps. There is every desire that the annual drill should be continued, but a large number of the farmers of the country object to their sons being called out for camp drill because of the danger of their being led into intemperate habits. No doubt the temperance cause has made great progress of late years, and a large number of the young men of the country have never tasted intoxicating liquors. It may be said that canteens provided in the camps keep the men away from the hotels, but no intoxicating liquors should be sold in them and the camps ought to be, by order of the Government, placed at such a distance from any taverns that the young men should in no case be exposed to such temptation. With regard to the manner in which the present Minister of Militia has discharged the duties of his position, I speak from an acquaintance with many districts, when I say that he commands the respect and

esteem of the entire Militia of the country. He has devoted his entire time and attention to making the Militia a success.

His genial, kindly disposition wins the hearts not only of the officers but of the men, and they are all anxious to carry out his commands.

I now come to the subject of the chief commanding officer who, very properly, under the law, must be a colonel, or of superior rank in Her Majesty's regular army. It is proper that he should be an officer of the regular army. Now we know that the officers and men of the militia make great sacrifices to keep up their organization. There is not an officer in the militia who does not incur a large expenditure out of his own pocket beyond what he receives from the Government. They are all desirous to serve and improve the position of the force, but the condition of our Militia is very different from that of the British Army. A British general coming here should not expect to find such discipline as in the British army. If our young men are spoken to in a kindly manner they will at once fall into rank, but there has been considerable friction and it is the duty of members of Parliament to refer to it. I will not say anything against the general in command, but I do say that it is absolutely necessary that the commanding officer should thoroughly understand the position of our militia, and in endeavoring to establish discipline he should do it so as not to irritate and discourage the men. With regard to the city corps, I think we have great reason to be proud of their efficiency, whether we go to Montreal, Ottawa, Hamilton, Toronto or other cities. As to the rural corps I do not think we can expect more from their short period of drill, when they obtain a general idea of the method of attack and defence and how a larger body of men should be handled by their officers when attacking a foe. If our young men are taught to use the rifle and acquire such knowledge as is imparted in the camp, we are in a measure prepared for any emergency likely to arise in this dependency the Crown. It may be true that there is no present prospect of any difficulty, but we know not what complication may arise from day to day. I believe the expenditure is a good one, and I shall have pleasure in supporting the Bill.

HON. MR. ALLAN—I desire, as a Canadian, most earnestly to protest against the spirit in which my hon. friend (Mr. Scott) has approached the subject before the House, and also as to the terms in which he has spoken of our militia. I do not think the term "toy army," is applicable to our militia at all. I think that our active force have proved themselves in the past thoroughly capable of discharging their duties, for they have shown when this province was invaded from without that they could give a very good account of themselves. I would quite agree with my hon. friend from Ottawa if we stood entirely alone, if we had no connection with the Empire, then the idea of getting up two or three batteries of artillery, a battalion of infantry and a troop of cavalry for the defence of the country would be simply ludicrous. Such a force would be hardly adequate for the preservation of domestic peace, and would certainly be useless for the purpose of resisting foreign aggression. It is not under such circumstances that the Government come to us now and ask us to sanction the measure before the House. So long as we are part of the British Empire I do not suppose that any hon. gentleman doubts that in the event of any foreign invasion we should have the whole force of the empire at our back. Surely we are not such an utterly spiritless and pusillanimous people as to desire to have ourselves defended by the forces of the Empire and to take no part in our own defence? Canadians are actuated by a very different spirit. We are ready to do our part, and I think what this Bill asks us to do is a very small part, and the least that a country growing in wealth and resources could be asked to do twards its own defence. The provisions of this Bill must commend themselves to the approval of the House generally. If we are to spend any money in drilling our militia force, it should be done in such a way as to get the greatest amount of efficiency for the smallest amount of expenditure, and I think the changes proposed in the Bill are in the right direction. There is no qeestion that these infantry schools will be the greatest possible benefit to the militia generally, for in them the men will have an opportunity of learning what they ought to know inorder to become

good soldiers. I do not quite agree with what my hon. friend, the Minister of Justice, has said with respect to the cavalry corps. I think experience has shown in the wars which have recently taken place that that arm of the service has proved one of the most useful and efficient in the army. I am persuaded that if on the occasion when this province was invaded in the Niagara district by Fenians, if we had had a cavalry corps to feel the way for the advance of the troops the results would have been much more satisfactory to the country. The money devoted to this service will not be thrown away. There can be no doubt that the young men of this country are ready to serve, and have shown a most soldierlike and self-denying spirit in connection with this matter. The hon. leader of the Opposition has said that this camping out is looked upon as an occasion for holiday making. I have no doubt that those who go there take all the fun they can out of it, but they attend those annual meetings at a great sacrifice of time, and very often at great inconvenience to themselves; and I am sure their strong desire is to qualify themselves to do good service for their country, and not merely to make a holiday of it. Had the very steps which are proposed to be taken by this Bill for the training of our Militia been taken a dozen years ago, I think the force would have been in a much more efficient state than it is at present. It is a move in the right direction, and I simply rise to protest against the assertion going uncontradicted, that the militia is a toy of no practical use, or that we have not spirit enough in the country to take a share in our own self defence, when we know that if we are compelled to do so we shall have the power of the whole empire at our back.

HON. MR. SKEAD—Forty-five years ago I mounted guard, as a volunteer, on this hill where these public buildings now stand. I was quite young at the time, but the drill I acquired then I have not forgotten, and if I were called out now I believe I would in a few hours have it brought back to me as fresh as ever. I have a great respect for my hon. colleague (Mr. Scott) but I remember a time when he held very different views. When he occupied the honorable position of a member of the ministry of this country, he did not then express himself as he has done to-day, and I do not want it to go abroad that he has expressed the views of the people of the Ottawa district. During my experience of 45 years we have never begrudged a shilling that has been expended on the drilling of our volunteers, nor has there been any reflection cast upon their loyalty.

HON. MR. SCOTT—No one has cast any reflection on the loyalty of the people; you have misconstrued what I said.

HON. MR. SKEAD—I think the expenditure is a very reasonable one, and I have never heard any one in the country find fault with it. Of course there is always some merry-making at those camps, but it is only natural where so many young men are gathered together. I think the money expended in the past in training our volunteers has done a great deal of good; it was the means of saving a great many lives at Pigeon Hill and Niagara, during the Fenian troubles. If that little force had not been at our command then it is hard to say where that trouble would have ended. Even now we do not know what is going on on the other side of the water, 4,000 miles away, and it is hard to say what news we may receive by the very next steamer. I think that this step is one in the right direction, and I am prepared to support the measure as far as it goes. Where does the money go to? It does not go out of the country, but into the pockets of our volunteers, and from there it is distributed throughout the country, where it must do a great deal of good. I am sure that this Bill will meet with the approval of the people, and, in my humble opinion, the remarks of the hon. leader of the Opposition are not in accord with the sentiments of the people of this district.

HON. MR. KAULBACH—I have always taken a deep interest in the militia, having been for many years the commanding officer of a battalion of 750 men in my county, and when my hon. friend from Sackville says the militia of the present day are more efficient than they were before Confederation I think it is an open question. It may be

so, and I hope it is so, but as far as Nova Scotia is concerned and particularly that part from which I come I may say I am not in harmony with him. While at that time I had within bugle call 750 efficient men, with a brass band and two companies of artillery attached to the regiment, we have at present hardly a battallion. In my opinion the present state of the militia in my county does not compare favorably with the militia of that time.

HON. MR. POWER—You have ceased to be Colonel.

HON. MR. KAULBACH—I have ceased to be colonel. I may say, however, I am sure the country does not concur in the remarks of my hon. friend the leader of the Opposition when he says that this is a waste of the public money; that it is merely playing soldier and has no beneficial effect. My hon. friend would lead us to believe that the time has come when swords are to be beaten into plough shares and spears into pruning hooks. I think we are as far from that day as ever, and the true policy is, during time of peace to prepare for any emergency that may arise. We have all read of the services done by the militia forces in the early days of the settlement of Nova Scotia, in the war of 1812, and it is within the knowledge of every man here what the militia has done in recent times for the protection of our borders from marauders. Moral influence is all very well, but moral influence will not protect an unarmed country from invasion. If Great Britain is at war we must expect to be attacked from all sides, and the opinion expressed by my hon. friend that we would be safe from attack is, in my opinion, unreasonable Moral influence is all very well, but it must have physical force to back it, and that physical force must be made efficient if it is to be of any service at all even for protection of civil rights and Government. Then as to the character of our people Lord Wolsely remarked that he would not wish for better material out of which to form an army than the Canadians. I am sure wherever they have gone they have always shown themselves ready to adapt themselves to military life. I do not think three years service is sufficient for the militia. So far it has proved of very little effect. Eight days drill is too short a period for men to learn anything of value, and those men cannot be drawn again into active service until the first, second and third class men have been enrolled and have served. Every man up to 45 years of age, including married men and widowers with families, must be drafted and enlisted and serve their time before the volunteers on the present active list can be called out again. This is the law at present; it is defective and in my opinion the term of service should be extended. I would rather see the number of men reduced and the period of drill lengthened, and have the men more efficient. As far as the pay of captain is concerned, I do not think it is too much for one who is qualified to drill, but to my mind there are many captains who are not qualified in that respect, and $80 is too much remuneration for the incompetent services such officers render. The volunteers of Nova Scotia are largely seafaring men, and under this Bill those men are exempt from service except in case of war. I do not know what to say as to those men not being liable to be called out for drill, but the Goverement should see some way by which we would not be required to make this discrimination.

HON. MR. PLUMB—You would not make land soldiers of sailors!

HON. MR. KAULBACH—I am stating what is a fact, that a large portion of the volunteer force at the present time in the Maritime Provinces, is composed of sailors and fishermen, and it is a question for the Government to consider, how far they would be efficient. By means of the Royal Academy we have practical instruction for our officers, and I believe this Bill fills a want we have long experienced, viz: a training place for non-commissioned officers. Previous to Confederation we had corporals and drill sergeants from the British Army; but we have lost them. It was a great loss to the military service of this country. At the present time we have not a sufficiently large staff of non-commissioned officers, and the proper and efficient instruction of this important class in the service would be a material benefit, and would afford a nucleus by which the force may be made more efficient for the future. Then, as regards substitutes; my

own knowledge is that under the present system many persons act as substitutes for others, merely to make up the number required. I think this is a wrong practice because these men fall out of the ranks immediately, and their service is of little if any value; the substitute simply fills the place of some man who is away. I do not think that the practice is intended by the law as it stands, but such things are done, and I think it is well to call attention to the fact. The position of quartermaster general at headquarters may be necessary, though I think that, at the present time, the service does not require such an officer. With regard to the clothing of our force, I think proper provision should be made in this respect.

HON. MR. POWER.—Get Canadian clothing.

HON. MR. KAULBACH.—I believe in that. The scarlet cloth which is imported for this purpose might be manufactured in Canada. It is urged that it is a peculiar kind of dye, but I think perhaps a different shade might be substituted, which could be produced in this country. I have also observed that the practice prevails of wearing uniforms, or portions of them, when off parade; that is contrary to the law, but we find that on holidays the men wear their military trousers etc. I wish this knowledge to go to the head of the Militia Department, in order that such violation of military rules may be guarded against in the future. I am glad to know that a cartridge factory, for small arms, has recently been established in Quebec; but I must say I think there is often a great amount of powder wasted unnecessarily upon our ranges. I have known companies to put in their class firing in a slap-bang way when it was so dark that I could not see the target, and I think more attention and care should be given to this subject. The period of 8 days allowed for the training of men in camp is much too short to make our volunteers efficient, but even that time is really shortened as they often put two days' drill into one. Three hours is considered a day's drill and I think that time devoted to drill each day is sufficient. This training should be done in the day time, and not done at night as it sometimes is in order that two days may be put into one. I do not believe that even on fine moonlight nights men can train efficiently or that they can be as thoroughly looked after as is posssible by daylight. I am convinced that the drill, as carried out in camp, is by far the more efficacious, but very often this eight days drill is performed in a slovenly way. Sometimes the military spirit does not pervade the camp as it should do, and the drill is imperfectly gone through. Although I go as far as any one in my desire to keep up the efficiency of the service, I believe it should be either well done or not done at all, and at present I must confess I think there is a large amount of public money wasted. Then, with regard to the instruction in schools, I believe that is a most important thiug; I do not think you can make a soldier of a man from 30 to 40 years of age, but you can give the young training in this direction, and I think the youth in our schools are the class to be worked upon with the best results. In the place from which I come there is a school attended by 200 or 300 boys, and though they have no drill instructor, they would go through their drill with their little guns, and are the stuff from which to make soldiers. They should be taught squad, manual, and platoon exercise, and it could be done much more conveniently and cheaply, besides which they would retain the instruction received. I would not have made these remarks adverse to the present state of the militia, did I not believe that they would be productive of some good. I am strongly in favor of our keeping up a nucleus for the militia of this country, and I thoroughly agree with the leader of the Government in this House, that it would be better to reduce the number of men, and make them really efficient, than to have a much larger number upon our roll, every year putting in sometimes four, and at most eight days drill.

HON. MR. PLUMB—How much do they get for a day?

HOO. MR. KAULBACH—I think 50 cents.

HON. MR. PLUMB—They can earn twice that at anything else.

HON. MR. KAULBACH—That may be, but it does not affect the principle. I have a strong feeling that so far as Nova Scotia is concerned, the militia force does not stand as well to-day as it did before Confederation. I believe the Minister of Militia is devoting his best efforts towards improving the service, and I feel satisfied that with proper encouragement from the Parliament and people of this country—but not such encouragement as the leader of the Opposition in this House would give—he will succeed in rendering our militia as efficient as every Canadian who is interested in the welfare and protection of his country, could wish to see it.

HON. MR. POWER—The second reading of the Bill has been moved by an hon. gentleman who has been a Minister of Militia, and a very efficient minister, as I have always understood. We have heard a great deal from gentlemen who have served as Colonels, and I think it may not be altogether out of place that the House should hear a few words from one who has never served in any position higher than that of a private, and even that some years ago. I was a full private in the Second Halifax Regiment in 1866. In the first place, I would say, with reference to the speech of the hon. gentleman from Ottawa, that I did not understand it in the same sense in which some other hon. gentlemen seem to have interpreted it. I did not understand the hon. gentleman from Ottawa to say that the Militia force was useless, or that he thought the martial spirit was one that should not be cultivated. The impression left upon my mind by his speech was, that he thought we were not getting as much for our money under the present system, as we should expect. The hon. gentleman on my left (Mr. Kaulbach), who has had opportunities of seeing the practical working of the system in a remote part of the country, and who joined in the chorus of reprobation in regard to the hon. gentleman from Ottawa, quite justified the remarks of that hon. gentleman before he sat down. I do not suppose that it is altogether desirable to discuss anything except the changes which have been made by this bill; at least that is practically what we have to consider—the changes to be made in the existing system. The most striking of the new features in the bill is the one referred to by the Minister of Justice as the introduction of a standing army. Heretofore, we have had nothing in the way of such an army, unless "A" and "B" batteries of artillery can be called so; but this bill proposes to nearly treble the number of our standing army, for practically I presume it will about have that effect. Now, I think there are two or three serious objections to a standing army in a country like this. One is that a standing army, to be of any great use—

HON. SIR ALEX. CAMPBELL—Say standing regiment rather.

HON. MR. POWER—Well, it is to be composed of cavalry, infantry and artillery, and it is exceedingly expensive. We cannot in this country undertake to keep up a standing army which would be of much practical benefit in time of war. Besides this, there is another objection to such a force; that it's existence tends to create a military class as distinct from the remainder of the population, a class which, I think, it is not desirable should be introduced very largely into the social or business life of this country. I think that military spirit of that sort,—what one may call the social military spirit—is not a desirable one to introduce into the population of Canada. There is this also to be said against it; the new branch of the service would come to be regarded as the finest force, as the principal force and the one which was looked upon with the greatest pride and admiration, a state of things which would result I think in degrading the volunteer system as it exists now. The tendency of having a standing army will certainly be to lower the standing of the volunteer force, which certainly is not desirable. Probably Batteries "A" and "B" are necessary to garrison the forts at Quebec and Kingston, and there is no doubt that Victoria, B. C., requires more protection. I for one should have no objection at all to establishing an additional battery of artillery there. The cavalry are exceedingly expensive, and useless too, notwithstanding the remarks of the hon. gentleman from York. Then, I do not think there is any necessity for the three companies of infantry. I can understand that cavalry may be useful on the prairie, and we have a very admirable cavalry force in the

Mounted Police, but in this part of the country I do not think we need a standing army in the shape of cavalry. I do not think there is any necessity for going to such a very large expenditure for the purpose of obtaining substitutes for the old drill sergeants,——

HON. SIR. ALEX. CAMPBELL—It is not for the drill-sergeants, but you must have a skeleton company to drill.

HON. MR. POWER—Well, the sergeants used to manage to get very good companies in Nova Scotia. We find that "A" and "B" Batteries have cost $117,000, and of that only $53,000 was paid to the non-commissioned officers and men, so that considerably more than one-half the money was spent upon the officers and for other purposes. I presume that the new battery, the cavalry and the infantry, will cost at the lowest figure, $90,000 a year more.

HON. MR. SCOTT—750 men would cost $250,000.

HON. MR. POWER—I understood the minister to say that they included the present "A" and "B" Batteries.

HON. SIR ALEX. CAMPBELL—those batteries cost $117,000.

HON. MR. POWER—Then the 750 men are to be an addition?

HON. SIR ALEX. CAMPBELL—No, that includes the new battery, "C" and three companies of infantry.

HON. MR. POWER—And $205,000 will be the increase?

HON. MR. PLUMB—No, the $205,000 covers the battery as well; they are part of the estimate now. I know that is the case.

HON. SIR ALEX. CAMPBELL—I will read from my memorandum.

HON. MR. SCOTT—From your military brief.

HON. MR. PLUMB—The hon. gentleman from Halifax does not often speak from a brief standpoint.

HON. MR. POWER—The hon. gentleman from Niagara is one of the last gentleman in Parliament who should speak of brevity.

HON. SIR ALEX. CAMPBELL—This is the statement I have: "A" and "B" batteries comprises 316 men and cost $117,000, and, the additional force if raised, would cost $205,000.

HON. MR. POWER—That will bring it up almost to the million and a-half of dollars spoken of by the hon. gentlman from Ottawa.

HON. MR. SCOTT—That is including the Mounted Police.

HON. MR. PLUMB—That is not part of the militia estimates; it is provided for separately.

HON. MR. POWER.—Well, without the Mounted Police, the militia will cost this year about $1,000,000. The Minister said there was one very gratifying thing about our militia expenditure, that the staff cost very little, and I think most members of the House were rather surprised to hear that statement. There is, however, another way of looking at it from which it does not appear so satisfactory. I find that the expenditure, including the cost of the Militia Department itself, will be in round numbers, about $1,000,000 during the coming year, and of that amount there is to be paid to the non-commissioned officers and men only $250,000—that is, about one quarter of the total cost. I presume there would be about $100,000 paid to the men in the standing army, so that $350,000 will be paid to the non-commissioned officers and the men, and $650,000 to the officers and staff, and for the department and other things of that sort. Now, the hon. gentleman from Lunenburg referred to the system we had in Nova Scotia before Confederation, and I was very glad to find that his view, arrived at from experience in another part of the Province, was the same as my own. My idea about the militia force is somewhat different from that of most hon. gentlemen here. I think that in time of peace, such as we have now, a standing army is unnecessary. We may require a

few troops like the men of these batteries to garrison certain forts, but in time of war an army, such as we have at present, is worth, practically, but very little. The Minister of Militia tells us that there are 27,542 rural militia-men who drill only once in two years, and I think then they drill for 8 days only.

HON. SIR ALEX. CAMPBELL—Twelve days I think.

HON. MR. POWER—Well, twelve days. As I understand it, under this Bill they are to have only three years' service, and it can be seen quite clearly that these rural troops are practically of very little value. Their drill is of little service to them, and all that you have is this skeleton of a force, nnmbering some 27,000 men. The city corps are somewhat better drilled, but still they are not very much more than material for soldiers; they are not soldiers altogether, but they are material somewhat farther advanced in the stage of manufacture than the rural corps. That is all you have under the system for which we are paying $1,000,00. Now, in a country like Canada, extending over so many thousands of miles, and with a frontier exposed to attack at so many points, it seems to me that an army of 37,000 men is of very little service for the purpose of resisting any serious attack. In a war with the United States or any other powerful country, this army would be of very little use. Under the system we had in Nova Scotia before Confederation nearly every man between the ages of 16 and 45 was in the active militia, and men from 45 to 60 were on the reserve. It was calculated by the militia officers in Nova Scotia—by the Adjutant-General of that province—that one man in every six of the adult population was liable to serve in the active militia.

Calculating the population of Canada, as the hon. Minister did, at 4,200,000, that would give us 700,000 men for the Dominion. In Nova Scotia we had enrolled 59,379 men out of a population of about 350,000. Those men were drilled five days a year. They were practically quite as good as rural corps under the present system; my hon. friend from Lunenburg says they were better. Under that old system in Nova Scotia the officers and non-commissioned officers of the whole force were thoroughly drilled, and the consequence was that with the five days annual drill of the men of military age, we had a force of nearly 60,000 men who were really in as high a state of efficiency as the 37,000 men we have in the Dominion force to-day, for all practical purposes. They were obliged to give those five days gratuitously, and they turned out as good humoredly as the men who are paid 50 cents a day now, and they were a better class of men, decidedly. The system of paying 50 cents per day has a tendency to bring a poorer class of men into the militia. If you have not a regular volunteer force who serve without pay, then you ought to offer an inducement to a better class of men to serve, and I think 75 cents or even $1 a day for the rank and file (if we are going to pay our militia at all) would be better than the present rate of payment, and would tend to increase the efficiency of the force. As I have said, the system which we had in Nova Scotia, and which might very well have been extended to the whole Dominion, gave us the organization for a large army. Taking the same proportion for the present population of the Dominion, we would have the organized material of an army of 700,000 men. If Great Britain became involved in war with the United States, and it should become necessary for us to prepare for war, that militia force could, in a very few weeks, having already well drilled officers, and non-commissioned officers, be organized into an army which would probably cause our neighbors on the south to hesitate a little before they invaded this country. I do not altogether agree with the hon. gentleman from Ottawa, who thinks that we could not make a respectable defence against the United States if we were attacked. I think we could, and that we could make a very long fight. If the Minister of Justice should be disposed to look for information as to the system we had in Nova Scotia, I may mention that the latest Act by which it was regulated was passed in 1865. In the third appendix to the Nova Scotia Journals for 1867 will be found detailed information with respect to the militia.

HON. SIR ALEX. CAMPBELL—If the hon. gentleman will give me a memorandum I will have it looked at.

HON. MR. POWER—The hon. gentleman from Lunenburg seems to think that it would cost more than the present system. He is in error: the whole staff of that large force undergoing drill cost only $23,963 a year, and the total ordinary expense of the militia for the year 1866 was only $70,126; and for that expenditure we had what, I contend, were just as large results as we are now getting in the Dominion for an expenditure more than ten times as great.

HON. MR. BOTSFORD—My experience in connection with the militia leads me to a different conclusion from that which the hon. member from Halifax has just expressed. I have been connected with the militia for upwards of 60 years, and I must say that when he says that the militia system of the lower provinces was better than the present system, he is mistaken.

HON. MR. POWER—I said Nova Scotia: I did not say New Brunswick.

HON. MR. BOTSFORD—I live near the border of Nova Scotia, and I know that when the hon. gentleman says that the militia system of either New Brunswick or Nova Scotia was as efficient as the present one in Canada is, he is entirely mistaken. We have a magnificent force in the Dominion to-day, and it is not confined to the men who are drilling now. The men who have been drilled, if called upon (as they would be in an emergency) are well qualified to stand in the ranks with those who are now in the force, and we might put into the field 50,000 men who would compare favorably with any militia in the world, except a portion of the volunteer force of Great Britain. Now I would not have thought it necessary to have said anything on this question, after the clear and satisfactory exposition of the Bill which is before us, had it not been for the extraordinary speech made by the leader of the Opposition. I must say I have never been more astonished at anything I ever heard from a public man, than I have been at his description of the militia of the Dominion of Canada. The hon. gentleman is entirely mistaken as to their efficiency. He would lead us to suppose that the people of Canada are a craven race, who would submit to any indignity before they would defend themselves. I say that is not the spirit which pervades the people of this Dominion. The hon. gentleman thinks that we would be defended by the British army and navy. What did the British Government say when the union of the Provinces took place? Did they not say in distinct terms "You must spend so much on the militia, and be prepared to defend yourselves, before we will be ready to expend the revenues of the people of Great Britain to assist a people who are too craven to defend themselves." If I recollect right, our Government engaged to expend so much on the militia.

HON. SIR ALEX CAMPBELL—Yes.

HON. MR. BOTSFORD—Therefore, the position assumed by the hon. Minister who addressed this House after the Minister of Justice, is entirely wrong. The hon. gentleman says it is merely playing soldier, and that no good has resulted from the drilling of our militia—that this large sum was thrown away. I should like, on that point, to give the opinion of a gentleman who is well known in the Maritime Provinces—General Warner, the United States Consul. I am well acquainted with him, and happened to be with him at a review of some 3,000 of our militia in Sussex, some two or three years ago. They had then been drilling some six or eight days, and this was a review at the end of the drill. General Warner said to me "I congratulate you on the fine force that you have. They would compare favorably with any body of men. The manner in which they went through their manoeuvres to day is surprising, and if you have many such men in your country you need not fear attack." The hon. member from Ottawa says that this large sum devoted to the militia service is thrown away. I venture to say from my long experience with respect to the militia that this sum would not more than pay half the expenses incurred by the officers and men who devote their time to the service. The hon. member may think that it is mere play and that the officers devote their time to it for the purpose of making a display. I say they are influenced by a different motive. They desire to have a force which will compare favorably

with any militia in the world. When hon. members say that the militia are not called out long enough each year, they entirely overlook the fact that even in the rural districts the volunteers meet at nights and are drilled by their officers. They devote a great deal of time to the service for which they receive no compensation. In the opinion of men competent to judge, the force is efficient, and when hon. members speak disparagingly of them they forget that in the war of 1812 and during the time of the Fenian raids this country was defended by our militia. If we had had no arms and disciplined militia, how could we have defended ourselves as we did on those occasions? I venture to say that if to-morrow we were called upon to resist attack, we would have a body of men who would give a good account of themselves in the field. They are well organized and disciplined, and would prove most effective. The officers and men who have devoted so much of their time, their means and energies to keeping up a militia force to prepare them to defend the Dominion in time of need, deserve better of their country than to be stigmatized as men who are merely playing with baubles and have no other object in view than display, fuss and feathers. I am often surprised when I consider the time devoted by the militia officers and men to drill, and the money they expend in making preparations to present a respectable appearance when they are called out. It does seem also to be an extraordinary position to take that this great Dominion, nearly 4,000 miles in extent, with a prosperous population of nearly 5,000,000 ought not to have an enrolled force of 750 men to enforce the laws or to prevent disturbances. The number of men seems to be very small indeed for these purposes and to form a neucleus, if necessity should demand it, for a larger force. The hon. member for Lunenburg seems to think that our militia only includes those who are now enrolled. I tell him that those who have been drilled ever since Confederation, and who have gone out of the active service, can handle a rifle and go through their drill and make a respectable appearance on parade, and they should be added to the active force in estimating the strength of our militia. Men do not forget their drill. I can speak from experience, and I tell the hon. gentleman that I can go through the musket exercise yet that I learned over 60 years ago. I had very little practice, because I became an officer very soon after I learned it, and consequently had not an opportunity to keep up my platoon exercise, but I do not forget it yet. Some hon. gentlemen who have spoken so slightingly of the militia judge of them perhaps by their own feelings. Militiamen, when they enter the service, have an *esprit de corps*: what they learn they retain. I can readily imagine that the hon. gentleman from Halifax who has opposed the system—

HON. MR. POWER—I have not opposed the militia system at all.

HON. MR. BOTSFORD—You say it is not efficient.

HON. MR. POWER—I say the present system is not a good one.

HON. MR. BOTSFORD—I do not wonder that they oppose a system in which they take no interest. They would either lie down or run away: they would not be prepared to take up arms in defence of their homesteads.

HON. MR. POWER—That is an ungenerous suggestion.

HON. MR. BOTSFORD—I must say I was utterly surprised when I heard the sentiments of the leader of the Opposition. I did not intend to take any part in this debate, but when I heard his remarks I felt that I could not let them pass unnoticed. There is another point to which hon. members do not refer: I mean the money devoted to the Rifle Association. The effect of that has been to train a most efficient body of riflemen, not only in the militia, but outside of it. These men would prove of great value in any emergency which might arise demanding their services. If I had known that this debate was coming up, I would have been prepared with statistics in support of the position which I have taken to-day.

HON. MR. READ—I should not have addressed the House on this subject had it not been for the slur cast by the leader of the Opposition on the militia force of this country. I certainly must give the

senior member for Halifax credit for taking upon himself the task, which I know must be a painful one, of trying to defend his leader.

HON. MR. POWER—The leader is able to defend himself.

HON. MR. READ—The hon. gentleman discharged the duty to the best of his ability. He must have seen that though he represented but a small portion of the people, from a political point of view, he represents a much smaller proportion from a patriotic point of view. The people of this country are prepared to make the very small sacrifice demanded of them in defence of their hearths and homes. What is the two and a-half or three per cent. of the revenue which is devoted to this service compared with the heavy tax which other nations have to pay for their defence? There are no people in the world who bear so small a burden for such efficient protection. If I understand the position of this country, Great Britain expects us to assist in our own defence, and in return for that we have the whole force of the British army and navy, and her wealth as well, to aid us. Our vessels are protected by the British flag on every sea, and this we receive without any cost to us. All that we are expected to do is what every people should be prepared to do—protect our own home and fire-sides. Then, to speak of our own militia as being practically useless in the event of war breaking out, as the hon. gentleman from Halifax has done, simply shows that he is not familiar with the history of this country. He has not read history of the war of 1812-15, when for three years the militia force of this country, with very few British troops to assist them, not only resisted the invader successfully, but were actually, when the war came to a close, in possession of a portion of the enemy's country.

HON. MR. POWER—I said a force of 37,000 men would be practically useless in case of war with the United States, and I suggested that we should adopt a new system which would give us more than ten times as many men.

HON. MR. READ—The hon. leader of the Opposition said that the militiamen after being trained left the service, and that their training was of very little use to the country. When the Governor-General was at Belleville, I introduced to him a militiaman who had served in 1838, and was still in the force. That is an instance of a man who had been forty years continuously in the militia, and when the Marquis asked him what it was for, he said, "for long service." We have a large Dominion to protect, and we may have internal difficulties. It is but a short time since when we had to send to Toronto for a portion of the Queen's Own to come to Belleville, to prevent the traffic on the Grand Trunk Railway from being entirely stopped. There are no difficulties at this moment that I know of, but our policy should be "in time of peace prepare for war."

HON. MR. POWER—The Minister of Justice said that the Government had adopted the principle of paying officers such sums as would to a certain extent reimburse them for their time. I wish to know why the same course has not been adopted with regard to the men?

HON. SIR ALEX. CAMPBELL—I said they would get pay for their rank. I I did not say that they would be reimbursed for their time.

The motion was agreed to, and the Bill was read the second time.

BOOMS AND WORKS ON NAVIGABLE WATERS BILL.

AMENDMENTS CONCURRED IN.

HON. SIR ALEX. CAMPBELL moved concurrence in the amendments made by the House of Commons to Bill (K), "An Act respecting booms and other works constructed in navigable waters under the authority of Provincal Acts or otherwise"

He said: The House of Commons struck out of this Bill principally, that part of it which enables such works to be treated as obstructions to be destroyed, and they also struck out that part of it which declared that the sanction of the Governor-in-Council should be obtained to all bridges, whether already in existence, or to be built.

HON. MR. DICKEY—The term "aboiteau" is explained to mean dykes. Now that is a matter which concerns the Maritime Provinces very deeply and it requires some little consideration. I see that the Bill has been so amended as to take away some of the objections I had to it. We should avoid confusion—a dyke is a different thing from an aboiteau. Under the Bill as it stands a dyke might be treated as an obstruction.

HON. MR. McCLELAN—Under the Bill as it stands it might be construed that dykes interfere with navigable waters and if so it would cause an immense amount of damage in the Maritime Provinces. I wish to avail myself of this opportunity to express my dissent from this clause. It has been improved since it left this Chamber, but yet, I must say, it is unfortunately worded in the Bill.

The further consideration of the Bill was postponed until Monday next.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Monday, May 7th, 1883.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

INCREASED SUBSIDY TO QUEBEC.

INQUIRY.

HON. MR. BELLEROSE enquired whether it is the intention of the Government to entertain favorably the address of the Legislature of the Province of Quebec, asking for "better terms" or an increased subsidy?

HON. SIR ALEX. CAMPBELL—I am unable to give my hon. friend a reply to that question. It is a matter that will engage the attention of the Government, but not at present. We are not in possession of the information necessary for us to consider the matter at present.

CRUELTY TO ANIMALS BILL.

DEFEATED IN COMMITTEE OF THE WHOLE.

The House went into Committee of the Whole on Bill (25) "An Act to amend the law respecting Cruelty to Animals," Hon. Mr. McClelan in the chair.

In the Committee,

HON. MR. SKEAD, in moving the adoption of the first clause, said that he wished to introduce an amendment to correct an error which had been made on the part of the promoter of the Bill in the Lower House.

HON. SIR ALEX. CAMPBELL considered that the Bill was not of sufficient importance to be pressed during this Session. The present law provided for nearly all the cases included in the Bill before the House.

HON. MR MILLER inquired if the Minister of Justice had been consulted as to the introduction of this Bill?

HON. SIR ALEX. CAMPBELL replied that he had not been consulted, but he had been spoken to several times by Mr. Richey about it.

HON. MR. MILLER proposed to take the sense of the House, on the motion to adopt the first clause, as to the suggestion of the Minister of Justice to postpone the Bill until next Session.

HON. MR. SKEAD was sorry that the Bill had not fallen into the hands of the hon. gentleman opposite (Mr. Plumb) who was to have taken charge of it; he (Mr. Skead) had been asked to look after it, as his hon. friend from Ottawa (Mr. Scott) was not to be found when the Bill came up from the Commons, and the hon. member from Niagara, he was informed, had refused. The object of the Bill was a good one—to protect animals agninst cruelty. There was a great deal of cruelty to animals practised in this city, and the gentlemen who were promoting this Bill were deserving of a great deal of credit for endeavoring to secure this legislation.

HON. SIR ALEX. CAMPBELL said it would be seen by reading the Bill that everything in it was provided for in the existing law, excepting cruelty in trimming and marking animals, in cutting their ears, and in making an animal a target.

Hon. MR. MILLER said as there had been no consultation with the Minister of Justice as to this measure, and as it had been clearly pointed out that the existing law provided for the views of all reasonable minded men, he would move that the Committee rise.

HON. MR. ALMON rose to second the motion, and in doing so criticised the terms used in the Bill as being very ambiguous.

HON. MR. PLUMB protested against the hon. gentleman from Ottawa making use of his name, as he had done, in connection with this Bill. He had been asked by Mr. Richey to take charge of this Bill, but while he had every respect for the philanthropic views of the gentlemen who were promoting it, he could not see his way towards advocating such a radical change in the existing law.

HON. MR. SKEAD said he would withdraw any remark of his that might be deemed offensive by the hon. gentleman from Niagara.

The motion was agreed to on a division, and the Committee rose.

THE QUINZE PIER, AND BOOM IMPROVEMENT COMPANY'S BILL.

SECOND READING.

HON. MR. SKEAD moved the second reading of Bill (66) "An Act to Incorporate the Quinze Pier, Boom and Improvement Company." He said; This is a Bill to incorporate a company to make improvements on the Upper Ottawa at the Quinze Rapids, which, as the name indicates, is a rapid 15 miles in length. They have large timber limits in that district and their object is to make these improvements for their own benefit and for the use of lumber men in that section generally. The Bill was thoroughly investigated in the other House, and I am satisfied that it will meet with no opposition here.

The motion was agreed to and the Bill was read the second time.

MASTERS AND MATES CERTIFICATES BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (89), "An Act respecting Certificates to Masters and Mates of Inland and Coasting Ships."

He said: I promised the hon. member for De Salaberry, who is not now here, that I would submit to the Department of Marine and Fisheries his suggestion about diminishing the charges for certificates. I have done so, but they told me at the Department that even at these rates ($4 and $8) there is a considerable charge upon the revenue in carrying out the Act. The receipts in the past have been less than one-half the charges upon the revenue, and this Bill will make the expense still more onerous. My hon. friend from the division of Sorel spoke to me about taking off the charges imposed upon masters and mates who had served as such before this legislation. The certificate in their case is put down at $1.50. I am told that the parchment used in the certificate itself could hardly be obtained for less than that, and there is really given to each of these men a certificate which is of value to him, by which he may procure employment, and for which, therefore, he can very well afford to give $1.50 at all events. The Department thinks the suggestion should not be entertained, and I hope the hon. gentleman will not press it.

The motion was agreed to, and the Bill was read the third time and passed.

RAILWAY TRUST AND CONSTRUCTION COMPANY'S BILL

THIRD READING.

HON. MR. VIDAL moved the third reading of Bill (41), "An Act to incorporate the Dominion Railway Trust and Construction Company of Canada. (Limited.)"

The motion was agreed to, and the Bill was read the third time and passed.

INDIAN ACT AMENDMENT BILL.

WITHDRAWN.

The order of the day having been called for the second reading of Bill (S). "An Act further to amend the Indian Act of 1880."

HON. SIR ALEX. CAMPBELL said: This Bill was intended to give authority to the executive to deal with cases where white men assisted Indians in making violent demands on the agents. Cases have arisen where the Indians have gathered in considerable numbers, and under the lead of one or more white men have made violent demands upon the agents for assistance.

This Bill was designed to prevent such acts. After it was drafted it was presented to the Indian Department, where it was thought desirable to obtain fuller information from the agents themselves before proceeding further. I move that the order of the day be discharged.

The motion was agreed and the order of the day was discharged accordingly.

THE CANADA AND ASIA MARINE TELEGRAPH BILL.

SECOND READING.

HON. MR. MACDONALD moved the second reading of Bill (116), "An Act further to amend the Act respecting the incorporation of a company to establish a marine telegraph between the Pacific Coast of Canada and Asia."

He said: This is a public Bill to extend the time mentioned in the Act to which reference is made under which the Governor-in-Council was authorised to issue letters patent to a company to construct a marine telegraph between our Pacific Coast and Asia.

HON. MR. MILLER—Is this not a private Bill?

HON. MR. MACDONALD—No it is a public Bill.

HON. MR. VIDAL—I really consider this a public Bill, because it authorises the Governor-in-Council to issue letters patent: it does not incorporate any individuals at all. It is a measure of public policy, and is passed at the instances of those who were the original projectors of that scheme, and is not at all connected with that second—and I venture to say objectionable—scheme which has already been submitted to a committee of this House.

The motion was agreed to and the Bill was read the second time and passed.

THE SENATE DEBATES.

REPORT OF THE COMMITTEE ADOPTED.

HON MR MACFARLANE moved the adoption of the third report of the Committee on Reporting the Debates of the Senate.

He said: This report, which may be considered the final one, will be found on our minutes. It recommends a renewal of the contract with the Messrs Holland who have for some time been the reporters of our debates. They represented to the Committee that as they had discharged their duties with fidelity, (which I believe is not questioned), their contract should be extended for the balance of the term of this Parliament. For many reasons such an arrangement would be more satisfactory to them than a yearly contract. The Committee, however, did not feel warranted in making a contract for so long a period, but they felt, in justice to the Messrs Holland, they should recommend that the contract be made for two years. For the contract sum they are to furnish a certain number of copies for daily distribution during the session, and a certain number of copies of the Debates bound in volumes after the close of the session. A certain additional expenses has been incurred in connection with the index for this year, but it is quite understood that in future the reporters will have to provide an index themselves. One reason why we do not feel warranted in recommending that the contract be extended for a longer period than two years is that the inventions which are every day being announced render it probable that before the end of the term of this Parliament it may be possible to

reduce the cost of reporting. The feeling of the House last session, and I have no doubt this session also, was that the reporting of the Debates should be continued and the Committee think that so long as the system is to be followed, the service cannot be performed more economically and efficiently than it has been by these gentlemen who have been our reporters for the last eight years.

HON. MR. DICKEY—I have no desire to re-open the question of the necessity or otherwise of these reports, and I feel less inclined to discuss the question of the manner in which the reporting has been carried out, but I think this House will, on reflection, agree with me that it is not desirable that the Senate should lose control of this matter by extending the contract for a period of years. It appears from the report that this system has been going on for eight years and no inconvenience has so far been felt. I observe also that the tender of the Messrs. Holland is for one year only.

HON. MR. MACFARLANE.—I may say that the tender was accompanied by a letter in which they asked for an extension for the term of this Parliament.

HON. MR. DICKEY—I am speaking now of the tender which appears in our minutes. There are many reasons why it is not desirable for the House to place this matter out of their hands for a period of two years: it would be better that the contract should be from session to session. The reporters have all the time between the end of one session and the beginning of the next to make their arrangements. That is the only part of the report to which I object.

HON. MR. VIDAL—I do not think the adoption of the report would place the matter beyond our control. The arrangement is very distinct and definite and so long as that arrangement is complied with to our satisfaction I presume that no fault would be found or alteration made. It has already been mentioned, that although it is not in the formal tender, the Committee received a communication from the reporters asking that the contract be extended for the term or this Parliament. The Committee thought that it was better to adopt a shorter term, and they recommend an extension for two years only. It is obviously an advantage to the reporters that this should be done as they will thereby feel more secure. It enables them to make their arrangements with greater ease. As a member of the Committee I heartily concur in their recommendation, and trust that the House will adopt the report.

HON. MR. PLUMB—I quite concur with my hon. friend who has just spoken that it does not put the matter out of the hands of the Senate to extend the contract for the time mentioned. It would probably be very advantageous to the reporters if they had a more permanent contract, and I for one can say that I have been very much pleased, from the little experiance I have had here, with the accuracy of the reports made my the gentlemen who hold the contract. We all know that all short hand reporting is a matter which is attended with great difficulty. There are very few men who are competent to follow a speaker with perfect accuracy. I think the gentlemen who sit at our table here are thoroughly skilled in their profession, and are entitled to the highest consideration of this House. They are not chekced and corrected in the way that reporters are in the debates which occur elsewhere. We have to rely almost entirely upon our official reports. Considering that we have two reporters, who are permitted to occupy seats on the floor of this House, representing other interests, the most meagre accounts are given in the press of our debates. Without the aid of our official reports the proceedings of the Senate would never be given to the public. I say that advisedly I have been very much surprised that some of the most important discussions which have occurred here have been disposed of, by the gentlemen who are supposed to be here in the interests of the public press, in five or six lines With regard to myself, I do not care whether I am reported or not. Many discussions in this House have never reached the public, except through the tardy medium of the official report.

The 5th clause in the tender of the contractors removes, I think, the objection made by my hon. friend from Amherst, because the contractors agree to report

the debates "to the satisfaction of the Senate." That gives us the entire control, and I certainly feel inclined to adopt the report. We simply allow our reporters the privilege of knowing that they will be employed for a certain definite period of time.

HON. MR. KAULBACH—I am glad that the index will hereafter be made by the reporters, whose duty I think it is; and instead of an increased cost, there will, therefore, be a diminution to that extent. I fully concur in the expressions which I have heard as to the satisfactory manner in which the reports have been made. I think it is the opinion of the House that the work has been accurately and impartially executed.

The motion was agreed to.

MILITIA AND DEFENCE LAWS CONSOLIDATION AND AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (31), "An Act Consolidating and Amending the several Acts Relating to the Militia and Defence of the Dominion of Canada."

In the Committee,

On the 7th clause,

HON. MR. POWER suggested that provision should be made for the drilling of all the Militia at least once in each year. The rural battalions, as a rule, are now not called out more than once in two years. If the force is to be of any service it should be drilled annually, or the term of enrollment should be longer than three years.

HON. SIR ALEX. CAMPBELL said the question of drill depends upon the money voted for that purpose by the House of Commons, and the only possible plan, under the circumstances, is to give the largest amount of drill which the grant will cover. The three years enrollment was based upon the idea that the drill might be made permanent some day.

On the 21st clause—

HON. SIR ALEX. CAMPBELL explained that the three companies of infantry mentioned are for the purpose of establishing schools to give instruction to the non-commissioned officers and officers who would attend them. It was of immense value—since Her Majesty's troops were withdrawn—that the non-commissioned officers particularly should be instructed in their duty as soldiers. In addition to the service which would be rendered by these companies in cases of trouble or riots in any part of the country, they would afford the means of forming companies, and would give the officers and sergeants attending the school an opportunity of drilling a proper company. These soldiers would be apart from the general population, and in case of trouble arising, greater reliance could be placed upon them than might be possible in the case of militia stationed at the scene of riot, and whose friends might be among the rioters. Instances of such trouble had occurred at Belleville, where the engineers and stokers on the railway struck for higher wages, and stopped the trains. The regiment on the spot was called out, but it was found they could not be relied upon; the rioters were their comrades and friends, men who had associated with them for years, and they were naturally reluctant and unwilling to use the necessary measures to suppress the tumult. It was, therefore, necessary to send to Toronto for the Queen's Own Regiment, whose appearance in Belleville had the desired effect; the tumult was suppressed and the business of the country allowed to go on. In the same way riots occurred in Quebec, where it was found impossible to depend upon the ordinary militia, and it was necessary to have recourse to the battery which happened to be stationed there. This clause would give the executive control at once of a considerable number of men who might be used in such an emergency; and both as a school, and as a body of men available for use on all occasions of trouble, the proposed companies would be of immense value, and the past had shown that such a force was very much needed.

HON. MR. POWER thought no one was opposed to the addition to the artillery force; but he did not think that the troop of cavalry proposed was a very desirable

force, and he gathered from the expressions of the Minister of Justice that he did not altogether approve of it. The three companies of infantry and this troop of cavalry will cost at the lowest estimate $150,000 per annum; and it would be better to do one of two things with that money: either to expend it in such a manner as to ensure that the whole active militia shall be drilled at least once a year, or else devote the amount towards paying for the drill of an additional number of militia. This sum of $150,000 now proposed to be expended for the purpose of having a standing battalion or regiment of perhaps 800 men altogether, would pay for the drilling of more than 20,000 active militia. That would raise the militia force of the Dominion to 60,000 men, which would be a respectable force if any difficulty were threatened, and in a very few weeks time could be made fair troops; it would be something to begin with, and would give time for organizing the reserve forces of the country. If this money, however, were put into a troop of cavalry and 700 infantry, it would neither be well spent now, nor would it be of much value in case of war. Referring to the value of the proposed military school, one-tenth of the money to be paid for these troops would provide all the drill instructors that are necessary, and probably the men would be better drilled by them than by means of this regular army. The Minister of Justice stated that the men were intended to form skeleton companies, but where a military school is being held, the officers and non-commissioned officers are the company, and there was no necessity for this new and expensive branch of the service, in order to effect this object. It had been said that on the occasion of riots or civil commotions the militia of the neighborhood were not to be relied upon, but in such cases it was only necessary that the Government should call upon the militia from other places, who would not be liable to the same influences as those upon the spot.

This standing army will not be like Sir Boyle Roche's bird, it will not be on the spot everywhere, and will probably have to be moved to the scene of commotion, just as the Queen's Own was moved on one of the occasions which the hon Minister of Justice mentioned. Such emergencies are of practical value to the militia, as they are in the direction of active service, and the calling out of the militia on such occasions helps to make them more efficient, and to prepare them for more serious work afterwards. The effect of the clause would be more injurious than beneficial, and though it was useless to oppose a Government measure, he merely wished to make his final protest against it.

HON. MR. KAULBACH said that Government measures had sometimes been opposed in the Senate, and very effectively, but in this matter the change suggested was actually necessary, and on several occasions the heads of the militia department had approved of such a clause being introduced. For the protection of civil rights, and to meet emergencies, it was essential to have a force like this which would be available for immediate use. Besides it was evidently necessary as a nucleus for the purpose of giving instruction to the general militia.

HON. MR. MASSON said that the hon. gentleman from Lunenburg was perfectly right in his statement. Every general officer had impressed upon the Minister of Militia of his time the value of such a force as is now to be created, and he was happy to see that the Government had so completely the confidence of the country as to be able to carry any measures they considered desirable. The better plan was to sacrifice quantity to quality, and from his experience as Minister of Militia it was not quantity that was needed. Notwithstanding the small remuneration offered, all the men required could be had; strong, healthy and able men, who would make good soldiers. It was however the fact that proper instruction was seriously lacking. He had stated in the House of Commons on a former occasion—and the statement was doubtless somewhat startling to many persons—that when he assumed the office of Minister of Militia there were 800 commissioned officers on the force who had not been able to obtain their certificates, and these were the men who, in case of emergency, would be looked to by the country to lead our brave volunteers; men who had no training at all. We have to-day as many men as we need—strong,

courageous men—to do battle for our country, but if men are courageous and ill-trained, that very courage may be an element of danger to the Dominion—our troops would have dash, but no judgment. What is really needed is a force well organized, trained, drilled and officered, and the Government in the present measure are taking steps in that direction; they are following the advice of a celebrated French General, who said, at the time when France was suffering: 'We have as many men as we want, but what we need is an efficient staff, stores well filled, and our finances in good condition." While entirely approving of the Bill, there was one suggestion that might be made to the Hon. Minister of Justice, and through him to the Hon. Minister of Militia, in connection with the establishment and maintenance of these batteries of artillery: very large expenditures are made by the Public Works Department, in connection with the needs of the Militia Department, and as the soldiers of the several batteries have a certain portion of their time unoccupied, it would be possible to have much of this work upon the various military stations of the Dominion carried on and completed by the labor of the permanent force of the country. Without wishing in any way to reflect upon the present management of these works, it is but reasonable to suppose that it would be more throughly done under the supervision of well trained military men, while a slight addition to the daily pay of the men of those batteries would ensure their willing co-operation in that direction. In that way the fortifications at Quebec and Kingston could be kept in repair, and even the new works at Victoria erected with comparatively small expenditure: an addition of eight or ten cents a day to the allowance now given would perhaps accomplish this result. The late Premier of the Dominion, Mr. Mackenzie, had stated at a meeting of the Rifle Association that "no nation could be great unless it encouraged and cultivated the idea of national defence in connection with the national finances." That was the high and statesmanlike view to take of this question, but so desirable a consummation could not be reached while the Government was met, at the very inception of these changes, with niggardly complaints because of its request for more pecuniary aid. If there is any real desire to hold this country, to prove ourselves worthy of being a free nation, we must shew that we have the will as well as the power to assert ourselves and maintain our proper position among the nations.

HON. MR. ALEXANDER said that if he understood the proposition of the hon. gentleman from Halifax, it was that it only a certain amount of money was voted by Parliament there was a more urgent demand for the expenditure of that amount in encouraging the non-commissioned officers and men of the force, than in the direction indicated by this Bill. The hon. gentleman did not argue at all against the proposed increase of the force.

HON. MR. MASSON—I was not referring to that hon. gentleman.

HON. MR. ALEXANDER understood his hon. friend from Halifax to argue very properly that if Parliament only voted an additional $200,000 it was urgently required in that direction first. The volunteers, both officers and men, spent more money than they received during those periods of drill, and should receive more encouragement. He had understood from more than one commanding officer that there was a difficulty in filling their rolls.

HON. MR. MASSON—That has not been my experience.

HON. MR. ALEXANDER said it was so in some parts of Ontario, that 50 cents per day was insufficient to defray their ordinary disbursements. They should at least get one dollar per diem.

HON. MR. KAULBACH said that they virtually received a dollar now. They were paid 50 cents for three hours drill, and they generally put in six hours drill in a day in order to get two days pay.

HON. MR. MASSON said his experience when Minister of Militia was that he was constantly obliged to refuse applications from all quarters for permission to organize companies, and to inform the applicants that the force was as strong as they could make it under the appropriation. The

volunteers did not care so much for the 50 cents per day as they did for the honor of serving under Her Majesty's flag—that was his experience as head of the Department.

HON. MR. PLUMB knew from personal experience that there was a decided spirit amongst the young men of Western Ontario to perform military duty, and many of them made great sacrifices to enable them to do so. He knew many of them himself who preformed their drill at a loss of from a dollar to a dollar and a-half per day. He agreed with the hon. gentleman from Woodstock that 50 cents per day was almost a niggardly allowance to give men who were willing at any sacrifice to serve their country. He believed that no finer spirit prevailed in any part of the community than among the volunteers, and he was pained beyond measure to hear the sneers of the hon. leader of the Opposition in this House, the other day, when he spoke of the young men who turned out for drill as "toy" soldiers who would be of no sort of service in case of an emergency. He (Mr. Plumb) had had many opportunities of seeing the volunteers in camp at Niagara and a more orderly set of men or men more attentive to their duties, he had never seen. The hon. gentleman from Lunenburg was mistaken in saying that the men were allowed to earn a dollar a day by putting in six hours drill instead of three hours; there was no such thing as increasing their pay n that way. But they had a different eeling outside and apart from that; they were stimulated by an ambition that the leader of the Opposition did not seem to appreciate or to understand as animating the breasts of the young men of Canada, and he could scarcely believe his ears when he heard the hon. gentleman refer to the Canadian Militia in the terms he did. He was very glad that the present Government had reestablished the system that had almost fallen into disuse during the term of the late Administration, because it was considered by that Government that the holding of large camps was offensive to the people on the other side of the border. He did not suppose that our military organization was to be subject to the approval of our neighbors; we had the privilege of managing those affairs ourselves without asking the permission of anyone. God helps those who help themselves, and if we permit our military organization to go down and permit the military spirit to die out of our people, under the impression that war is no longer to be, we would wake up some day to find ourselves sadly mistaken. Nothing could be more delusive than the opinion promulgated in England, 25 years ago, when certain members of the Liberal party took tea with the Emperor of Russia, who assured them that there would be no war; but one year from that date witnessed the commencement of one of the most desperate and bloody struggles recorded in modern history, provoked by that same Emperor. There is no such thing as peace to the nations except it is an armed peace where every nation is prepared to defend, and to assert if necessary, its own rights; and as a part of the great Empire to which we belong he believed it to be our duty to show that we are ready to do our share should the occasion arise to defend ourselves from a foreign foe.

HON. MR. KAULBACH agreed with the hon. gentleman from Niagara that the most effective mode of imparting instruc tion to the militia is by camp drill, as the men are more apt to be inspired with military ardor on such occasions. He had reason to know that in company drill the men frequently put in six hours instead of three hours in order to draw two days pay.

HON. MR. O'DONOHOE considered that the proposal to consolidate a small force to be made perfect in drill and to fit them to become instructors of their art throughout the country was a move in the right direction. He believed that the establishment of training schools and the promotion of discipline are what are most needed. The hon. gentleman quoted from a report to the Governor of the State of New York on the subject of the organizations of the national guards, and municipal military systems of Europe by Brigadier-General J. Watts De Peyster, to show that the system prevailing in Switzerland was one of the best calculated to foster a military spirit amongst the people. In that country the training commenced with the boys in the schools, who were pro

vided with arms and acoutrements, instructed in drill, and put through the manoeuvres of trained troops. The writer of the report from which he had quoted, stated that they might go through Switzerland, and visit the huts of the peasants, and find wanting among them many of the necessaries of life, but they would never see wanting the musket, or the beloved rifle, in the use of which they became unerring shots, and a thousand such men rallied on the day that the enemy approaches were worth 10,000 of your volunteers brought green from the sod. It took a great deal of care and a great deal of practice to make good marksmen, but to give men the drill necessary to acquire the movements of trained soldiers was only a matter of a few weeks in case of necessity, and in his opinion it was in that direction the Government should move. He had no idea that at this stage of the Bill there should be incorporated in it any such radical change as he had suggested, but he believed that it would be a change in the right direction, and that by adopting the Swiss system Canada would become a power that would be difficult to meet, he cared not what the numbers might be opposed to us. There was more danger from our neighbors across the line than from any other power. Their population was like our own, made up of the same stock as we are, equally brave with us, and much larger in number ; we could not cope with them if left to our own resources. But with such a training as the schools would impart, and with every man in Canada a crack shot, it would be difficult to invade this country successfully, with the power of England at our back.

HON. MR. POWER asked if the hon. gentleman from Toronto approved of the Swiss system.

HON. MR. O'DONOHOE said that to a certain extent he did, but not of that part which excluded the standing force altogether.

HON. MR. ALLAN said there were schools in Ontario where the boys were regularly drilled in companies, and provided with uniforms and arms, and he would be very much pleased if that same system were extended to all the public schools of the country.

HON. MR. MASSON said the regulation established by the Department, when he was at the head of it, was to furnish arms and accoutrements to large schools and colleges where there were boarders, and the arms could be taken care of by the professors. Good rifles were provided and they were given out on the understanding that a regular course of instruction would be undertaken. There were 15 or 16 of these colleges at that time where regular drill instruction was given—eight or ten in Quebec, one or two in the Lower Provinces, and the balance in Ontario.

HON. SIR ALEX. CAMPBELL said there was a very good one that he himself had seen at Lennoxville. He had seen 60 or 70 boys there in uniform going through their drill admirably.

HON. MR. POWER regretted that the hon. gentleman from Ottawa was not in his place to reply for himself to the criticism that had been made on the speech delivered by him during the previous debate on this Bill. The leader of the Opposition did not say, as stated by the hon. gentleman from Niagara, that the people of Canada were unable to protect themselves ; but he did say that when Canada had offered to assist England, England had declined to accept our assistance in any other shape than in money.

HON. MR. PLUMB said that the official report of the debate had not yet been issued, and he could hardly be expected to take the hon. gentleman's recollection of the words used in the debate in preference to his own.

HON. MR. POWER said that that was his recollection of what the hon. gentleman from Ottawa had said.

HON. MR. ALLAN said that the remark was that England was more ready to accept Canadian gold than assistance from our volunteers.

HON. MR. POWER thought that the debate on this subject had shown that party feeling did enter into the discussions in this House. Although the remarks of the hon. gentleman from Ottawa had been so severely criticised, not a word was said

with respect to the remarks of the hon. gentleman from Toronto (Mr. O'Donohoe) who had said a harder thing of our militia when he remarked that a thousand Swiss volunteers were rather better than 10,000 of our Canadian volunteers.

HON. Mr. O'DONOHOE denied that he had said so.

HON. MR. POWER said that that was his understanding of the hon. gentleman's remarks. The hon. gentleman from Mille-Iles had said that the military spirit was very strong in his Province, and the hon. gentleman from Niagara had spoken in a similar strain of the military spirit in Ontario. There was no doubt that it was equally strong in the Province of Nova Scotia, all of which went to prove that his assertion was a perfectly correct and sound one, that instead of spending this $250,000 in an addition of 400 men to the standing army, it would be a great deal better to expend it in drilling 20,000 or 30,000 militia-men, who would be infinitely more serviceable in case of war, than the few regular troops.

HON. MR. MASSON said that the course proposed would be the best means of instructing the volunteers throughout the country.

HON. MR. POWER said he did not see why, if they were not going to increase the number of volunteers to be instructed, they should so greatly increase the cost of instructing them. If the Government were going to adopt the Swiss system, or the system that formerly prevailed in Nova Scotia, then he could understand the philosophy of spending money in training instructors, who, if a war broke out between this country and the United States, would enable us to organize a force of half a million of men for the field.

HON. MR. MASSON said the schools of instruction were not intended for the purpose of drilling men, but for the purpose of instructing non-commissioned officers, so that they could impart drill instruction to others.

HON. MR. WARK called the attention of the Government to what he considered would be an improvement to the Bill—that same mode should be adopted for keeping in sight the men who have been drilled. In looking over the report of the Minister of Militia he could find no account of the men who had been drilled during the last sixteen years, and who would make very efficient sergeants. These men had claims on the country, and they should not be allowed to settle down into the reserve militia without some distinction being made between them and the militia more recently enrolled. They ought to stand at the head of the muster roll of the companies. The Department should know where they were; they would be efficient men for calling out, as they had undergone drill.

With respect to the cavalry, he thought it desirable that they should not be made a pet corps, but should have some connection with the Mounted Police. The plan adopted in the British Army of recalling troops that have been a long time abroad and giving them a rest should be pursued here. This cavalry corps should be sent to take the place of the Mounted Police from time to time. It would be an encouragement to the latter to remain longer in the service. With reference to the remarks made by the hon. member from Niagara about the 100th Regiment, he would remind him that in the early part of the century a regiment was raised in New Brunswick known as the 104th Regiment which marched through the woods, before there were railways or steamboats, to Canada and acquitted themselves nobly.

HON. SIR ALEX. CAMPBELL said the suggestions which had fallen from the hon. member from Fredericton were very good, and he would bring them under the notice of the Minister of Militia. It would be valuable to keep the addresses of those who had gone through the military schools, and who were therefore more useful than men of less experience, and besides, a mark of distinction was due to them for the knowledge they had acquired at the military schools. The other suggestion, with reference to the cavalry corps, had merit, but there would be difficulty in carrying it out, since that body was to be kept in this part of the Dominion, and the proposed exchange would involve more expense than the hon. gentleman supposed.

HON. MR. WARK—You need not change the horses.

HON. SIR ALEX. CAMPBELL said he would also bring to the notice of the Minister of Militia the suggestion as to the repairing of fortifications. The men employed in these corps must have a great deal of leisure time on their hands, which would be much better employed in repairing the fortifications than spent in idleness.

On the 47th clause,

HON. SIR ALEX. CAMPBELL said the object was to pay each man according to his rank when called out. The position of an officer involved additional expense. He was obliged to maintain a certain standing in his company, and to extend to them certain advantages and indulgences, out of his own pocket. He not only sacrificed his time, which naturally was more valuable than that of his men, but also a considerable amount to maintain his standing and the *esprit de corps* among his company.

HON. MR. POWER thought it desirable that if the practice had been as the Minister stated, the law should be assimilated to the practice ; it was perfectly right that officers should not be obliged to make such sacrifices, but the conclusion embodied in the pay list did not follow. In the volunteer militia the difference in social standing between the officers and the men was not so great as in some other countries, and the value of an officer's time was not so much greater than that of his men as this pay list would indicate. It was very much to be regretted that in altering the law the pay of the privates was not increased. Some hon. gentlemen had tried to make it appear that the leader of the Opposition in this House and the late Administration had manifested an unfriendly spirit to the militia ; he would call the attention of the House to the fact that Mr. Mackenzie, when in office, had increased the daily pay of the militia to 60 cents, while the present Government, who are supposed to possess a more military spirit, reduced it to 50. He regretted that instead of fixing the pay at 50 cents they did not increase it to 75 cents.

On the 64th clause,

HON. SIR ALEX. CAMPBELLL said the existing law provided that the volunteer should be under military law, while on drill or parade, and also while wearing the uniform of his corps. The provision in this clause was that he should be subject to military law while undergoing military training and also during any drill or parade of his corps at which he might be present in the ranks or as a spectator. The change was made on account of a difficulty which had arisen (but to which he did not propose to allude more than to say there was such a thing) between an officer who was in the uniform of his corps, and a superior officer who was there present and who thought that the officer in uniform had not behaved as became his rank and position as an officer. The question for consideration was really whether it was necessary to provide that a man should always be subject to military law while in the uniform of his corps. There were many occasions when, for other purposes than drill or parade, a volunteer might wear his uniform, for his own pleasure or for the convenience of his neighbors, when it would not be desirable that he should be under martial law. It was not advisable to drive people to dislike the militia service by imposing military law upon a man except when he was on some kind of military duty, or in some way connected with military service.

HON. MR. MASSON was sorry to be obliged to differ from the Minister of Justice ; if there was a bad feature in the Bill, it was this one. It was unfortunate to change the law to enable officers and men, while wearing the Queen's uniform, to be independent of the military law. A man might disgrace his uniform without violating the civil law. To what law should he then be amenable ? Why was this clause introduced ? Because of a paltry quarrel between a militia officer and the commanding officer, which by a little forbearance on all sides might easily have been settled. And for this reason it was proposed to overthrow the whole militia system as to the wearing of Her Majesty's uniform. Would the Minister say that men attending the Dominion Rifle Association matches to compete as militia—who were not allowed to load their rifles or fire unless under control of military officers—should not be under military authority ?

The Dominion Rifle Association might fairly be considered a military organization. While some of the prizes could be competed for by civilians, there were others open to competition by volunteers only and some of the matches were between representatives from the various regiments throughout the Dominion, who competed under military rule. Would any one say that under such circumstances, because in one case a general officer while in civilian clothes had reprimanded an officer who was in uniform, the military regulations should not be enforced? This change, if made, would have a tendency to lead men to shew less regard for the Queen's uniform. How would it be possible to know whether a man in uniform was under military regulations, or not? Who was to control him? His officer could not, and unless he did something which would render his arrest by the police possible no one could prevent him from bringing discredit upon the corps to which he belonged. This clause would be most unpopular amongst the militia officers throughout the country, and if it should become law would strike a severe blow at the volunteer organization.

HON. MR. REESOR was also opposed to making a general law to meet an exceptional case which was not likely to occur frequently. He approved of the measure as a whole, and he therefore suggested that the further consideration of the Bill should be postponed for a day to give the Minister time to consider whether it would not be advisable to modify this clause. In his opinion this change should not be made.

HON. SIR ALEX. CAMPEBLL moved that the Committee rise and report progress and ask leave to sit again to-morrow.

The motion was agreed to.

BOOMS AND WORKS IN NAVIGABLE WATERS BILL.

AMENDMENTS CONCURRED IN.

HON. SIR ALEX. CAMPBELL moved concurrence in the amendments made by the House of Commons to Bill (K), "An Act respecting booms and other works constructed in navigable waters, under the authority of Provincial Acts."

He said: When this question was before us last Saturday, we were discussing the meaning given to the word "aboiteau." I do not think that it will work mischief because it includes dykes which are sometimes built on top of aboiteaus. Whether it does or does not we cannot now amend the Bill. It originated here and was sent down to the other House, and this clause is unchanged. It would be better to let the clause go, and if any difficulty should arise from the use of that word, the measure can be amended at some future time. The Bill is an important one to those who are interested in booms and other works in navigable waters, and I do not think it would be advisable to jeopardise the passing of the Bill on a doubt of this kind.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Tuesday, May 8th, 1883.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (T) "An Act relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island."—(Sir Alex. Campbell.)

BETTER TERMS FOR QUEBEC.

MOTION.

HON. MR. BELLEROSE moved that an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, all letters, correspondence, addresses, &c., &c., which the Federal Authorities may have received from the Government of Quebec, or from the Legislature of that Province, asking for "better terms" or an increase of the Dominion Subsidy.

He said: In rising to move this resolution, it was not so much with the object of having the papers brought before the House, as to call the attention of the Government to the importance of the question which now stands before them for consideration, viz., better terms for the Province of Quebec. Judging of the future by the experience of the past, I cannot honestly believe that better terms for Quebec, at this time, would be in the interest of that Province. If we consider the position of Quebec, under the Administrations of the last few years, we cannot help coming to the conclusion that better terms will be the signal for increased expenditure, the custom in that Province since Confederation being to increase the annual expenditure out of proportion to the increase in revenue.

Before the Dominion Parliament could consent to vote away the money of the people, they ought to be quite satisfied that the money so voted will be usefully spent. Let, then, the Quebec Legislature cut down their establishment to bring it within their means. Let them begin at once, and not get deeper and deeper into debt. When this has been done, when the Legislature of Quebec show a disposition to practice economy, when their Government change their course and are content with spending less, then it will be time for them to come here and claim what, I am bound to admit, is due by the Dominion Government to that province. In support of my views on this question of "*better terms* to Quebec," I will give the Senate a condensed history of the administration of the affairs of that province since Confederation, which will establish,

1st. That the Province of Quebec is in a very critical position.

2nd. That this sad position is due to the bad choice of some of those to whom the administration of her affairs has been given.

3rd. That this state of things has not yet changed, since the present Government (Mr. Mousseau's) has come into power. On the contrary that under his leadership, it has become worse; controllable expenses having increased as well as the public debt.

4th. That it would be useless for the Dominion Government to entertain the prayer of the Legislature of Quebec and grant an increased subsidy at the present time, before they have shewn a disposition to reduce their expenditure within the income of the Province and so make both ends meet. Consequently, that in case the Government should feel bound to pay at once what is due, they ought to do so in such a way that the money given by them will not be wasted, but that it will be so appropriated that the whole people of that province may be benefited by it.

Confederation having been accomplished, and the time allowed by the new constitution for the meeting of the different provincial legislatures being nearly over, His Honor the Lieut.-Governor of the Province of Quebec issued his proclamation, convening the local legislature for despatch of business. This Legislature met on the 27th December, 1867, and selected Dr. Blanchet, of Levis, for its speaker, and after adopting the address in answer to the Speech of His Honor, it adjourned for the Christmas holidays. On the 7th of January, 1868, the sittings were resumed. It was then that the Honorable Premier (Mr. Chauveau), and the Honorable Louis Archambeault, Commissionner of Public Works, came to me and solicited me to accept the chairmanship of the Committee on Contingencies. I refused; they insisted, one of them stating that "the system of expenses already inaugurated by the Speaker was ruinous and the revenues of the Province could not stand it. If the administration of public affairs was not conducted with more economy, direct taxation would have to be resorted to." I replied "the more you say, the more the position is repugnant to me. You are offering me neither more nor less, than a position which will make for me as many bitter enemies as Dr. Blanchet will prepare for himself devoted friends." They replied—"Do not refuse your friends: do it for the party; do it for our dear Province." "I accept," said I, and I was elected chairman of the Contingent Accounts Committee. We set to work and thousands of dollars were saved to the public chest. But, hon. gentlemen, whom would you think opposed this good and patriotic work? Who could believe it? Mr. Chapleau who had just then been elected for the first time! Mr. Chapleau, with a few others, did his best and used all kinds of intrigues to prevent our efforts from being successful. Day after day, this gentleman

made all possible efforts to carry his point. The consequence was that there was a time, when several officers of the House of Assembly, believing, as I suppose they did, that Mr. Chapleau would be successful, united in a kind of cabal against the chairman of the Contingent Accounts Committee, and things went so far that I was even menaced and ill-treated by them. Believing as I did that they were not the most guilty parties, and that I ought not to mind them, but resist Mr. Chapleau and his associates, I, as chairman of the Committee, opposed them successfully, being well supported by the Chauveau Government on one side of the House and by the honorable Mr. Joly, on the Opposition side.

I need not show in detail the very many abuses which had crept in. There was no control anywhere. Things were bought one day and could not be found the next. The number of officers was increasing to such an extent that you could hardly find a vacant corner in the buildings; they were a nuisance in the lobbies. Accounts were received which were evidently over-charged and had to be set aside and payment refused, etc., etc.

All those difficulties were met by the Committee and settled in the interest of the public; good order and peace were restored.

Mr. Chapleau, seeing that all his efforts in the House were unavailing, though he would succeed better if he was appointed on the committee. A friend of his moved in that direction. I thought I ought not to oppose the motion, but should let Mr. Chapleau join the committee, and I would fight in the good cause, the cause of the people, against Mr. Chapleau who had espoused the cause of a ring—of a new born clique. Mr. Chapleau became a member of the Contingent Accounts Committee. It seemed to him then that he had some better chances of success, so he set to work intriguing outside and inside, until he succeeded in influencing a majority of the committee. The votes given in committee are not reported to the House and consequently are not published: I resolved to force an open vote in the House on a report of the committee, recommending certain increases in the expenses of the Assembly, which Mr. Chapleau had succeeded in having adopted in the committee. The report was not concurred in by the House, some members who had voted for it in the Committee Room, leaving the hall, while others changed their votes, and voted against it.

Mr. Chapleau's efforts having failed, he was thwarted and forced to allow the Committee to continue the good work of economy and retrenchment. The cause of the Province had triumphed, and thousands of dollars were saved to the public exchequer, during the seven or eight years subsequent to Confederation.

We have now reached 1875, when dual representation having been abolished I had to make my choice between a seat in the Commons or one in the Legislative Assembly of Quebec. I kept my seat in the Commons and did not run for the Local Legislature. I know therefore, much less of what has passed in Quebec since that date. But the blue books, the reports, and the records of the proceedings of the Assembly of that Province shew how things have been managed in that Province, for seven or eight years past.

In looking over those public documents I find that during the period I am now speaking of, every financial year has been marked by a deficit except the last one, 1881-82, which is remarkable amongst others by a surplus of $340,000, caused by the adding to the revenue $554,000 which the City of Montreal paid to the municipal fund. If this sum was not added to the ordinary revenue (as it ought not to be added) then the deficit for the last fiscal year would be $213,156.

I may fairly say, therefore, that every year since 1875 has been marked by a deficit. How could it be otherwise, when that Province has been in the hands of such men as those to whom I have already alluded, or to whom I will have occasion to refer as I proceed? How could it be otherwise when the Government of that Province have so little respect for the laws or the constitutional practice of their country that they could expend hundreds of thousands of dollars without having obtained the sanction of Parliament, as has been the case this year, when no pressing necessity existed that could have justified such a course? How could it be otherwise when so much money has been wasted and scattered to the winds as is shown by the blue books of that Prov-

ince? Why, hon. gentlemen, let me only quote some one or two examples which I find in those books. Here I find that enormous sums of money have been voted for the construction of new Parliament buildings, when the buildings recently burned down would have answered very well. Again, that His Honor the Lieutenant-Governor has been permitted to expend large sums of money during the few years of his administration; and so extravagant has that expenditure been that during last session, though the Government was slavishly supported by a large majority of the Assembly, when a gentleman on the Opposition side (Mr. Stephens) in the Public Accounts Committee, where a hostile vote could not endanger the Government, moved a resolution expressing

"The alarm with which the Committee viewed the enormous increase of the contingencies of the Lietenant-Governor's Office, and the extravagant expenditure for the maintenance of Spencer Wood, and recommending to the House that measures be adopted with a view to reduce what the Committee considered to be extravagant expenses;"

the resolution was unanimously carried.

Further on, I find a comparatively large sum for a clock in the tower of the new buildings, when here, in Ottawa, with large revenues and surpluses, the central tower of our Parliament Buildings was allowed to stand without its dial for many years. Again, I find there are heavy expenses which the Quebec Legislature will have to meet for their Civil Service Commission, which, I have no hesitation in saying, was quite unnecessary, since the members of the Government could have very casily done the work and no doubt could have done it better. The late Treasurer of Quebec, who is well known for his economical views, is also of that opinion. He says, in a speech to which I will have occasion to allude later on:

"I know something, Mr. Speaker, about the Civil Service work and the number of employes required, and for years vainly tried to have the number reduced to a proper standard, as vacancies occurred, and succeeded to some extent, and I have no hesitation in saying that I believe one-fourth of the number of employes services might be dispensed with, without any damage to the public service. The commission appointed, if it does its duty, will, I feel sure, so report, and the Government might, if they had the necessary firmness to resist outside pressure for an increase of salaries and for an increased number of employees, have dispensed with the commission altogether, and done what was required themselves. This House, Mr. Speaker, at my suggestion and with the approval of both sides of the House, a few years isnce, reduced the expenses connected with legislation consderably; at least, for a time, and I hope, you, sir, will see that no expenses that can be avoided without detriment to the public service will be allowed."

Could I not also call the attention of hon. Senators to the famous Tanneries Scandal, a transaction by which the Province has lost, according to the best evidence, not less than $60,000, and more, probably $100,000? To shew you, hon. gentlemen, the character of this transaction, I will read the following extracts from the report of the Select Committee to whom it was referred:

"2. Your Committee is of opinion that the evidence, although to a certain degree conflicting and contradictory, will be found to establish the fact that the Tanneries property is worth from $60,000 to $100,000 more than the portion of the Leduc farm deeded to the Province.

"3. Your Committee is further of opinion that John Rollo Middlemiss, holding a promise of the sale of the Leduc farm, contrived the idea of exchanging a portion of the same for the Tanneries property, and to this end he secured the services of C. A. Dansereau, for the purpose of availing himself of the influence which he was presumed to have on the Ministers, as their polttical friend and as a journalist. That the said C. A. Dansereau lent himself to this arrangement, and did use his influence with the said Ministers, for the purpose of procuring the said exchange for the said Middlemiss, to the personal advantage of the said Dansereau, and to the detriment of the Province; and that the sum of $48,000 00 passed from the hands of the said Middlemiss to the said C. A. Dansereau, which the parties thereto declare to have been of the nature of a loan, but your Committee is not satisfied that the transaction was such as is represented by them."

I know in the Legislature of Quebec, an hon. member who has been there ever since Confederation, and who has done much for the economical administration of the Government of that province (the Hon. J. G. Robertson) is one, amongst many others, who greatly helped the committee on contingencies in carrying out the views of the Chauveau Government during the first six years after Confederation as regards economy and retrenchment. This gentleman is the same hon. member who was forced to resign his seat in the Chapleau Cabinet, some 18 or 20 months ago, of which he

was the treasurer, because he would not tolerate the extravagant expenditures of that Government, which have made the province of Quebec a ruin. True, the Lieutenant Governor forbade this hon. gentleman, after he had resigned his *portfolio*, giving his reasons for leaving the Cabinet, but the statement which he made in his speech on the budget on the 1st of March last, conclusively shews that such was the reason for his resignation. I quote his words as reported:—

"If it were asked why he was so strenuously advocating the cutting down o expenditure, when he did not himself carry out the reform when in power, he would reply that he had accomplished a good deal, but that the fact that the expenditure had increased since he left, shewed the same pressure was not being employed against the expenditure."

This hon. gentleman (Mr. Robertson) is (what I have stated shows he is) a good authority on this subject. Let me then put before you his views as to the Finances of Quebec, as set forth from his seat in the Quebec Legislative Assembly, in his speech above referred to: he is reported as follows:—

"He was disappointed that the hon. Treasurer (Hon. Mr. Wurtele) should have recommended to the House so large an expenditure of money, with our limited resources. Our funded debt was larger than it was ever expected it would be, our controlable expenditure was increasing year by year, faster than our available revenues, unless we resorted to direct taxation. The public accounts furnished ample proof of this and, (said he,) I am sorry to say that the annual expenditure for subjects which the Executive of this province and this House might and should control and reduce, is yearly augmented without, in my humble opinion, any necessity therefor, and which the public service does not require. One of our most valuable assets, the provincial Railway, had gone out of our hands for a comparatively small sum. Our annual outlays were gradually increasing, and our assets daily diminishing. He did not bring any charge against any party for the large debt. He found from the submitted receipts that the expenditure he had proposed making during the past year, had been exceeded by about $160,000. He did not see why the trust fund, of which the Government was only the custodian, should be calculated upon to form surpluses, when they did not properly form part of the ordinary revenues. Taking out receipts and expenditures on page 3 of the Public Accounts, we find, including balance on hand 30th June, 1881, the receipts from all sources to be $5,799,751 55—from which deducting railway receipts $1,068,156.63 leaves a balance of $4,731,594.92. Then taking the same page we find the expenditure to be $5,420,578.77 less railway expenditure $1,664,340.73 leaving a balance of $3,756,238.04 outside of the railway expenditure. Take this last sum for the amount of receipts, exclusive of railways, and there remains, $975,356.88 from which deduct the amount in the Treasury on June 30th, 1882, and there is a deficit of and from the ordinary receipts and expenditures, as I said, exclusive of railways—receipts and expenditure, of $596.184.10.

"There was $335,035.92 more money borrowed on temporary loans during the year than was paid, which is still due by the Province, and there was $156,604.93 less in the Treasury on June 30th last than on the previous June 1881, besides some trust funds. As to the item of $1,043,123, for interest on our public debt, it was frightful to think that we had to pay for interest $75,000 more *per annum* than we received as subsidy from the Dominion Government, and interest on trust funds in their hands. He could not account for the increase in the Civil Service expenses, which would be $37,621. He had no hesitation in saying that the services of at least one fourth of the employes might be dispensed with. He had no hesitation in saying that if the expenses connected with the various services of the Government were cut down to what they ought to be, we would not need to impose fresh taxes upon the people, and there need not be any stinginess or meanness in our expenditure either."

"The grant for public works was too large for our means. To borrow money for building a new Parliament House was very unwise, when the present building answered the purpose. He would not unnecessarily cry down the financial standing of our Province, but he knew of no better way to bring matters into a healthy state than to stop spending money. He did not favor asking for an increased subsidy from the Dominion Government, as it would only encourage us in our extravagant expenditure. We had a just claim, however on the Dominion Government, for subsidy to equalize what was granted to to railway extensions in Ontario, and also a claim for the repayment of sums withheld from our subsidy from year to year between 1867 and 1863, when the surplus debt of the late Province of Canada was assumed by the Dominion, which should never have been placed upon the Provinces of Ontario and Quebec; and also a claim for aid in the administration of criminal justice. Urging these just claims was very different from begging for increased assistance to pay current expenses. * * * * * * He closed by earnestly impressing upon both parties in the House the necessity for retrenching all expenses, and assured them that the people would hold the Government and its supporters responsible for their future financial position. He said, that the Government could bring down useless expenditure. If, for the sake of supporting the particular party to which they belong, they fail to endeavor at

least to reduce the expenditure within our revenue and thus avoid increased taxation, the responsibility will be theirs. I have endeavored, he said, to take a fair, honest view of our position. I have no kind of doubt, but that if this House would seriously set to work and cut down expenses in every department of the public service, that we cannot only avoid additional taxation to any appreciable extent, but fully meet every reasonable demand upon the Province within or without."

Such is the speeech of the late Treasurerer of Quebec. It fully coroborates all my statements and shews the true state of things in that Province.

I have said enough, I am sure, to give hon. members an idea of the administration of the affairs of Quebec since Confederation, and I would only be wasting the time of the Senate if I was to enter into longer details. "*Ab uno disce omnes.*" What I have shown, coupled with the fact that the debt of the Province has increased in such a short space of time, to the enormous figure of $18,000,000—will conclusively show that the Government would only do what is right in refusing to entertain the prayer of the Quebec Legislature, for an increase of this subsidy at the present time. Surely the Quebec Government ought to be given to understand that before they can expect to receive more money they must be able to show that they understand the cause of the ruin of their province, and that they are able to change the system and economize the money of the people which this Parliament would be voting them. But far from this being the case, they have shewn even so late as last session, that experience had not yet made them wiser.

I have had for many years a seat in the Quebec Legislature, and consequently I know something of the financial difficulties of that Province, and of her capabilities to meet them. Knowing so much, I have no hesitation in saying that if the financial affairs of that Province were adminisered with due economy she could yet relieve herself from her present embarrassment, and place herself in the front rank of the Provinces of the Dominion, for prosperity and advancement in those respects. But the Province could not expect to attain this end by receiving an increase of subsidy from the Government of Canada. The money she would receive would be of no use to her people, any more than the increase of her revenue since 1867 has been. The late Treasurer in his speech already referred to, stated;

"As our revenue increases, and it has increased since 1867, the only effect upon us has been to spend more and faster, on objects not required or necessary, in as far as carrying on the business of the country is concerned."

Let, then, the Government of that Province face the position as it really stands, not desperate, but very critical, and let them take the bull by the horns. Let them cut down their expenditure and try to make both ends meet. Then will be the proper proper time for them to ask for better terms, and no doubt they will be granted, as I am bound to say that that Province has a just claim upon the Dominion Government for subsidy to equalize what was granted for railway extension in Ontario; also a just claim, I should consider, for the repayment of the sum withheld from its subsidy from year to year; also a just claim, in common with the other Provinces, against the Dominion for aid in the administration of criminal justice.

But it is not only with the representatives of the people in the Local Legislature of Quebec, that I find fault. There seems to be here, in Ottawa, I am sorry to say, a certain number of the representatives of Quebec in the Dominion Parliament, who do not seem to take any serious interest in the welfare of that province. Indeed I was astonished to read the following article in *The Morning Chronicle*, of Quebec, on the 28th March, 1882:—

"Hon. Mr. Chapleau received the following telegraphic despatch from Ottawa last night, while engaged with his speech upon the railway question"——

"OTTAWA, 27th March, 1882.

"To HON. J. A. CHAPLEAU, Quebec.

"Your friends wish you health and *success in your policy.*"

(Signed,)

J. G. Blanchet,	C. J. Coursol,
Ernest Cimon,	G. A. Girouard,
F. Dugas,	P. C. Beauchêne,
R. P. Vallée,	M. P. Ryan,
G. Amyot,	G. A. Gigault,
A. Pinsonneault,	J. B. Mongenais,
F. Routhier,	Louis Tellier,
Jos. Bolduc,	D. A. Manson,
Simon X. Cimon,	W. B. Ives,
P. E. Grandbois,	Alonzo Wright,
Désiré Girouard,	J. J. Lanthier,
J. G. H. Bergeron,	E. T. Brooks,
Joseph Tassé,	François Rouleau,

Now, if this telegram means anything, it surely expresses the sincere wishes of those who have signed it, for the success of the policy which I have to-day described—that policy which has deprived our Province of one of her most valuable assets, the Provincial railway, for a comparatively small sum—that policy which has increased our controllable expenditure—that policy which has brought about the era of deficits—that policy which has raised our Provincial debt to the enormous figure of $18,000,000. Should not the people of the Province of Quebec have expected from their representarives in the Commons of this Dominion (if their duties at Ottawa left them any time to look into the affairs of the Government of their Province) something better at their hands? No doubt this regretable step of some of the members of the Commons had a sad effect. No doubt it greatly helped Mr. Chapleau to carry out his policy, and I consider they are as much answerable for the success of that policy as are the members of the Legislature of Quebec. I admit that I was taken by surprise, when I read some of the names of those who had signed this document, but I am bound to admit frankly that as to others I was not. Indeed, how could I have considered it extraordinary to find, at the top of the list, such a name as that of the late Speaker Blanchet—the gentleman who was so well supported by Mr. Chapleau, when he was chosen as the first Speaker of the Legislative Assembly of Quebec, and as such, inaugurated, as stated before, a ruinous system of expenditure, which brought him into difficulties with the Committee on Contingencies. It seems to me quite natural that, all sentiment of patriotism being set aside, the late Speaker should be expected to do something for Mr. Chapleau when he stood in a most critical position. But, hon. gentlemen, the Members of the Commons are not the only parties who have given their help to those who seem determined on ruining our Province; leaders of the Conservative party here in Ottawa, have done not less than many of their followers. Have not all those gentlemen who have been parties to the ruining of the finances of Quebec, been so particularly well treated by our leaders in Ottawa, that one would think they were rewarded for having successfully done so? Let me select some two or three examples, out of so many that I could put before you, to establish this last proposition of mine.

What great sacrifices for the party had Theodore Robitaille, Esq., M. P., for Bonaventure, made when he was called into Sir John A. Macdonald's cabinet and made a member of the Privy Council? None that I know of, except that which the humblest member of Parliament has repeatedly done. But this gentleman knew what he was about. He did not object to public money being expended, provided he made for himself some few devoted friends, who would and could advance his interests. His efforts soon became a success and shortly he could be called, "His Honor the Lieut.-Governor," &c, and his family are provided with the best situations, regardless of the rights o others.

Next to His Honor, let me refer to his late Prime Minister (Mr. Chapleau) a first-class speaker and a most talented man, no doubt, but a gentleman whose first step, when entering official life in 1867, was to try his best to destroy the finances of his native province, and make for himself friends who would push him forward, as they did. Mr. Chapleau became a member of the Quebec Government and later on, the Premier of that province, a situa tion he held until his sad administration of the affairs of that province forced him to resign, when the Right Hon. Premier of the Dominion took him under his protection and made him the Secretary of State of Canada, despite the interests and the rights of Quebec which were once more ignored.

Now, comes the late Speaker Blanchet, a true gentleman, I admit, and one as worthy as any other member of the Commons to be the presiding officer of that House; but for all this, my argument is no weaker.

What special claims had this gentleman on the Conservative party, when he was elected to the Speakership in Quebec? What particular act of his political carreer could there be placed to his credit? None, surely, that I know of, except, perhaps, that having been a Liberal, converted to Conservative principles, by the exertion of a certain politician to whom I may have occasion to refer on some future occasion,

he had to be taken good care of.

But, is it not a fact, that after Mr. Blanchet had received so much in Quebec; after he had had the honor of being the Speaker of the Assembly in that province for two parliaments and received at the hands of his political friends a salary of over $20,000 to fulfil the duties of that office, (the financial part of which he was considered unable to fulfil, so that the Contingent Committee of the same House had to do it for him, "with no pay,") is it not a fact that Mr. Blanchet was again chosen by the leaders in Ottawa to occupy the Speaker's chair with a salary of over $20,000 for the whole Parliament?

Now, who could deny the bad effects such a policy must necessarily have, a policy which will confer all the favors a party can give on a certain class of individuals who are open to such charges as those I have mentioned? Is not the course which has been followed in the instances I have referred to, an inducement to others to try, first of all, to make friends of all those around them, and then, afterwards, if any time remains, to see to the welfare of the country? Help me and I will help you; such has been the practice for some years past, and for this practice I am sorry to say, the leaders of the Conservative party are responsible as I have shewn.

Would to God that the sad results which such an unwise, such an unpatriotic policy, has produced in Quebec, would be useful to us all in Ottawa!

No doubt, hon Senators will now see the truthfulness of my utterances on several occasions during the last six or seven years when I told them that our province had fallen into the hands of jobbers and intriguers, and that those men had become so powerful that even the Government of the province had to submit to their exactions. But these rings have now nearly finished their work in Quebec; very little remains for them to do there, so that they may be expected to reserve all their energies, all their influence, for the Capital of the Dominion, where they have already been intriguing, and where they have even conducted, to some degree, most important affairs as I will probably have reason to show at a future date.

But a serious difficulty exists, and it would be very hard for me to say to-day how it will be settled. Whether the Quebec ring will succeed in combining with this other which has existed in Ottawa for many years past, the leader of which has already been approached by the former, or whether they will have to fight each other for the supremacy has yet to be known. Let us wait patiently and see how the thing will be managed. Time will tell.

I hope I have sufficiently established the few propositions which I laid down at the beginning of my remarks, and that I have successfully shewn: 1st, that the Province of Quebec is at this moment in a very critical position; 2nd, that her sad position is due to the unhappy choice of some of those to whom she has entrusted the administration of her affairs; 3rd, that this sad state of things has not yet been changed by the Mousseau Government, but on the contrary, has become still worse under them; and 4th, as a logical consequence, that it would be extremely unwise —nay, unpatriotic—on the part of the Government of this Dominion to entertain the demand of Quebec before her Government and Legislature have shown a disposition to reduce their expenditure within their income, and so make both ends meet; and that in case this Government should feel bound to pay, at once, what is due, they ought to do it in such a way that the money given by them will not be scattered to the winds, but will be so appropriated that the whole people of that Province may be benefited by it.

HON. MR. OGILVIE—I think the hon. member from Delanaudiere is slightly inaccurate in his statements. He said that there was a loss of from sixty to one hundred thousand dollars to the Province by the Tanneries scandal. At that time both properties together were not worth $60,000; and to-day you could not sell them for $25,000, therefore I fail to see how there could be a loss of from $60,000 to $100,000 in the swap.

HON. MR. BELLEROSE—It is not hearsay; it is the report of a committee composed of honorable men of both sides of politics.

HON. MR. OGILVIE—I understand the statement as coming from the hon. gentleman and I know that it is incorrect.

HON. MR. MASSON—I think the great majority of this House agree with me that much of what has been said by the hon. gentleman from Delânaudiere would have been better left unsaid. For my part, while admitting the zeal and devotion of the hon. gentleman to his Province, I must protest against the traducing in this Parliament, which has nothing to do with our local affairs, of the good name of our Province, in the way the hon. gentleman has done. We can, in our own legislature, manage our own affairs. We have our quarrels, we have our difficulties, and we have our failings; but, thank God, we are yet able to settle them among ourselves. We have a Legislature responsible to the people just as this Parliament—and more than this Chamber—is responsible to the people, and I think the proper tribunal before which to discuss these matters is the Local Legislature, or before the people themselves at the polls. I must protest against the bringing of our Province in this way before this Parliament, and I must protest also against the traducing of our public men in this Chamber, in the way that has been done by the hon. gentleman, without any opportunity being given them to defend themselves. I do not wish to say that in every respect I approve of his politics, but this I do say: there are few men in this country who have done greater honor to our Province than Mr. Chapleau has. I regret the attacks on a gentleman who is no more in that active political life which is the lot of a Minister of the Crown, and I also regret the attack on a gentleman who for the last five years presided as Speaker in the House of Commons. If I believed the hon. gentleman, I would regard Mr. Blanchet as being unworthy the confidence of his fellow-countrymen, or of those over whom he presided in the House of Commons. I have had the honor of a seat in that House, and I must say that I have always been proud of that gentleman as Speaker; and I can give the hon. gentleman from DeLanaudière proof that that opinion of the ex-Speaker is shared by the majority of the people in the House of Commons hailing from my Province. If the Government had thought proper, in the exercise of its discretion, to appoint Mr. Blanchet to the Speakership for the second term, they would most willingly and joyfully have accepted the nomination; happily he has been succeeded by a gentleman not less able, not less honorable, and not less talented than Mr. Blanchet himself. I think that the representation which has been made of the condition of the Province of Quebec is a most unfair one. I does not come here as a mendicant asking better terms in order to continue the administration of its own affairs; it comes here under the broad principles, and the broad basis which were recognized by Conservatives at the time of Confederation—principles which I advocated myself in the House of Commons. I said at that time that by the Confederation Act the revenue-producing power of the country was badly distributed. It was so distributed that everything inured to the prosperity and advantage of the Federal Government, and to the disadvantage of the Local Government. Every settler brought into this country added two or three dollars to the revenue of the Federal Government, the Local Governments do not begrudge it; they are quite happy that it is so, but what is the consequence to them? While every new settler adds to the revenue of the Dominion he also adds to the obligations of the Local Government. The province is obliged to take care of the poor, it has to provide for education, and for the administration of justice, and was I wrong when I stated in the House of Commons, (when New Brunswick came before us for better terms) that by the system now prevailing in this country it would become necessary periodically to alter the relations between the Federal and Local Governments? That is what I said at that time and I repeat it to-day. In the United States the Local Legislatures support themselves from their own resources; the states delegated a portion of their powers to the Federal Government in that country and have retained to themselves the right to tax railways, banks and other commercial institutions, for the purposes of revenue. How can our Provinces put a tax on the railways, as they do in the State Legislatures? Such power is only within the purview of the Dominion Government. Every railway that connects one province with another, or any railway which this Government proclaims a Dominion work, is entirely within the jurisdiction of this

Parliament, and under this state of things is it likely that Parliament would allow the local Legislatures to tax the roads that are within the jurisdiction of the Dominion Administration? I contend that the means of the Local Legislatures of raising a revenue are entirely crippled, while the Federal Government has an ever increasing source of revenue in the prosperity and increase of the population. I was not prepared to discuss this subject to-day, and I only rose to vindicate the right of the Government of my Province to be judged by its own people, and by its own Legislature, and not by the Senate of Canada.

HON. MR BELLEROSE—I am amazed at the protest of the hon gentleman from Mille Iles. If many things in my speech should have been unsaid, I am sure that more of his could have been omitted with advantage to his Province. He has referred to the neighboring country to show that in many of the States the people have to bear many burdens which, in Quebec are borne by the Government, so that even if the public money is wasted the people do not pay it directly, and therefore the present state of affairs should continue. I am sure the Senate will consider that a lame argument. If the hon. gentleman had followed my remarks he would have observed that I spoke only of the controllable expenditure, and I showed on the authority of the late Provincial Treasurer, Mr. Robertson, that it was unnecessarily large. That cannot be controverted by references to the system pursued in the United States.

The hon. gentleman says this is not a matter to be brought before the Senate; then, why does the Local Goverment seek for better terms? They want more money, and before they get it they should show the cause of their necessity. I have already admitted that something is due to the Province of Quebec under three heads, but I have also shown that it would be unwise to give it to men whose public policy shows that they would squander it; or, if it is paid to them, that it should be surrounded with safeguards to ensure that the public will derive some benefit from it. Did I not prove that although the revenue of Quebec has steadily increased since Confederation the expenditures have swollen in a greater ratio? What answer has the hon. gentleman for that? He has none; it is unanswerable. I have not made a solitary statement which is not supported by the public records of the Province.

The hon. gentleman says that Mr. Chapleau would be an honor to any legislative body. Did I not say so myself? Did I not admit that he is an eloquent speaker and a true gentleman? The hon. member for Mille Iles is, himself, responsible for Mr. Chapleau's first election to the Legislature. It was before the abolition of dual representation, and the hon. Senator was running for both Houses for the same constituency. Mr. Chapleau threatened to run for the Commons as well as for the Local Assembly if the hon. gentleman would not abandon the contest for the local. The hon. Senator yielded, and one was elected by acclamation for the Commons and the other for the Provincial Legislature. The very day he took his seat he began his career of extravagance, making friends for himself at the expense of the people. I say nothing against him personally, but I do say that as a public man he has done his utmost to ruin the Province.

Then the hon. gentleman took up the defence of Mr. Blanchet. I readily admit that Mr. B'anchet is one of the first gentlemen in our Province, but that does not disprove any statement that I have made. It did not make him strong enough to stem the torrent which he himself assisted in letting loose. I remember when he crowded the corridors of the Legislature with his friends from Levis till I, as chairman of the Committee on Contingencies, had to turn them out. That is sufficient proof that he was unfit for his position. Then the hon. gentleman speaks about the Lieutenant-Governor, who is, as the hon. gentleman should remember, an officer of this Government.

HON. MR. MASSON—I did not say a word about him.

HON. MR. BELLEROSE—Then, it shows that the hon. gentleman understands the constitution: I only regret that he was not as discreet on other points. I do not retract one word that I said, and I am prepared to say more if I am challenged to do so.

I have made great sacrifices for my province, (I challenge anyone to say that he has made as great), yet I am sorry to say that Quebec is ruined by the gentleman who, even to this day, is supported by the hon. member from Mille-Isles. I repeat that Quebec has claims for an increased subsidy, but it would be unsafe to entrust it to those who are now in power in that Province. The best proof of it is that al though the Dominion subsidy last year was some $75,000, short of the sum requisite to pay the interest on the provincial debt, yet the controllable expenditure was increased by $37,000. I think it would be safer and better to leave the money where it is until a better set of men are entrusted with the administration of the affairs of the Province.

HON. MR. GIRARD—The hon. gentleman from Delanaudiere has just said he has not a word to withdraw, but certainly the hon. gentleman from Mille Iles will not be the only one who will protest in this honorable House against the course he has pursued. It seems to me that such a discussion should not take place in the Senate; this House is not the place for it. we cannot be responsible, of course, for the disposition of the hon. gentleman from Delanaudiere towards the Province of Quebec. While, I regret to say, I am personally almost a stranger to-day to that Province, nevertheless my associations in connection with it are very dear to me and will not be easily broken; therefore I have a feeling of sorrow in seeing the position which has been taken in reference to that Province by the hon. gentleman from Delanaudiere. I do not think such a discussion should be allowed, and when it began to-day I fully expected a decision to come from the chair putting an end to it.

HON. MR. BELLEROSE—Why did you not call me to order then?

HON. MR. GIRARD—I am merely expressing my opinion, and surely I may express such a view without being exposed to interruption. The hon. gentleman is right when he says it was my duty to call him to order, and ask a ruling from the chair, but I have not done it, as I did not know what should be done under the circumstances. As a general rule the Senate has acted with the greatest liberality in the matter of discussion, but when that liberality is trespassed upon too far, I think it is our duty to protest against it, and the impeachment of the Government of the Province of Quebec, which has been made before this House to-day, in my opinion, is not constitutional. The Government have a right, under the constitution and under the law, as well as under the protection of the Federal Government, to their own responsibility; they have been elected by the people, and it is to the people they must answer for their conduct. I think, then, we should not enter here upon such a discussion as has been begun to-day, a discussion which is not only very painful for those interested, but which will be certain to create embarrassment; I feel they are more entitled to aid from us than to the unfriendly criticism which has been offered to us to-day. I am not here to defend these people; they can do that when they have an opportunity; but it is painful that men occupying such high and responsible positions should be exposed to such attacks as we have just listened to, when they have no chance to defend themselves. We must not admit such a principle. It is not a liberal one, and while I am unwilling to say anything which would displease the hon. gentleman from Delanaudière—for we have always worked together, shoulder to shoulder, I may say, in the legislation of the country, and I have been glad to receive his help on different occasions—yet at the same time, when there is something worthy of blame, it is my duty, I think, to bring the matter before the Senate. I do it with all humility, but I must protest against what has been done to day, and it seems to me it would only be an act of justice if the whole discussion on this subject should not appear in the Debates of the Senate. It will only throw discredit upon this House, because it is a discussion which should never have taken place. It will no doubt be proper for the hon. leader of the Senate to express an opinion on the position which has been taken to-day, but I have felt obliged to state my feeling upon the subject; for what may be the complaint of the Province of Quebec to-day, may apply to another Province to-morrow, and I am sure it cannot be the wish of this House that such charges should be

brought day after day before this Chamber, against persons who have no chance of defending themselves. If it is right that the hon. gentleman from Delanaudiere should act as he has done, then let it be so ruled, but my own opinion is that such a course should not be tolerated in any way. It is going too far; it is the first time that an accusation of this nature has been brought before the Senate, and I must say I think we have lent too complacent ears to what has been said—we have stood a great deal too much, and I think this should be the last occasion on which such great latitude should be permitted. Respect for this House, and above all for for our beloved Queen, it seems to me, should prevent such discussions, because the authorities of the Province of Quebec are as lawfully and constitutionally instituted as we are here, and are putting forth their best efforts for the advancement of that Province under the same protection which is extended to us; if they are wrong it is not for us, but for the people to whom they are responsible, so to decide.

HON. MR. POWER—I regret that I cannot agree with the hon. gentleman who has just sat down. He has taken the ground that this House is not the place in which to enter upon such a discussion as the one to which we have just listened. It may be that the hon. gentleman makes this objection because the discussion relates to a question of a financial character; but if that be the case the practice of the Senate has been altogether contrary to the the theory of the hon. gentleman. I remember, when the Reform party were in power, that this House was the scene, almost continually, of discussions upon questions of finance; and I presume the practice of that day ought to be just as good now as it was then. If it was a proper and correct practice then, I do not think it should be seriously questioned now. But if that was not what the hon. gentleman meant—and I do not think it was—probably his meaning, as well as the contention of the hon. gentleman from Mille-Iles, (Mr. Masson) was that in this House we should not discuss the affairs of the Local Government of the Province of Quebec. Under ordinary circumstances, that would be a perfectly correct rule; but I think those hon. gentlemen must admit that we are not now in our ordinary position as regards the Government of the Province of Quebec.

HON. MR. MASSON—I said that we should not discuss here, those issues which have been decided already in the Province of Quebec; it is of no use. The Tanneries Question, for instance, what have we to do with that?

HON. MR. POWER—I am not going to say that there was, perhaps, any necessity for going into the history of the Government of Quebec at as great a length as the hon. gentleman from Delanaudiere did; but I think that the hon. gentleman's main position is perfectly sound and tenable; one in fact that cannot be attacked. We know from public documents that the Government of Quebec have made application to the Government of the Dominion for an increase in the subsidy to their Province.

HON. MR. MASSON—To all the Provinces.

HON. MR. POWER—But more particularly to the Province of Quebec; to all the provinces if you will. Now, if the Government of this country are disposed to grant the request made by the Quebec Government, the money that is to go to the Government of Quebec and which is to be expended by them, is not solely the money of the people of Quebec; if it were, then the view taken by the hon. gentleman from Mille-Iles would be a perfectly correct one. If the Government of Quebec were going to spend money that was raised exclusively in the Province of Quebec, then it would not be the business of any one else. But that is not the case. It seems to me that, when the Parliament of this country are asked to increase the amount to be paid to the Government of Quebec, we have a right to know whether that money, which is to be taken from the people of the whole country—from their taxes—is going to be wisely and properly expended or not. The hon. gentleman shakes his head, and the hon. gentleman from the Trent division does the same, but with all deference to the experience and ability of those gentlemen, I venture to think that they are wrong. It will be remembered that some years ago the Province of Manitoba applied for an

increased subsidy; and what was the course taken by the Dominion Government at that time? They said to the Government of Manitoba, "you have a Legislative Council which costs too much money, and you are doing certain other things which indicate a tendency to extravagance, and before we will increase your subsidy you must reduce your expenditure, and show that you are yourselves ready to do all you can in the way of economy; then, when you come to us, so to speak, with your hands clean, showing that you absolutely need the money for necessary purposes, we may be prepared to vote what is needed." Now what was true in the case of Manitoba is quite as true in regard to the Province of Quebec; it is more true, because the sum we are asked to give to the Province of Quebec is much more than the Government were asked to give to Manitoba. I think, then, that the general facts stated by the hon. gentleman from Delanaudière were perfectly pertinent to the matter which is not, perhaps, directly before this House just now, but which is before the Government—or which is understood to be before the Government. After the Government had come to a decision upon the matter, and a bill was before this House, it would be quite too late for the hon. gentleman from Delanaudière, or any other member, to say anything about it. The subject would be practically settled then. Therefore, I think the hon. gentleman does right, and adopts the proper course in bringing the matter before this House before the Government have come to a decision; so that his arguments may possibly have some influence with the Government in making that decision. I think when he quotes from the gentleman who for many years was Treasurer of the Province of Quebec, and when he brings such authority in support of his own views to show that the Government of the Province of Quebec, while getting deeper and deeper into debt every year, do not diminish their controllable expenditure, but rather increase it—that even during the current year, they are actually increasing the expenditures in connection with legislation and civil government, and that in the face of all this they come to this Parliament for an additional subsidy—I confess I cannot understand the extreme denunciations with which the speech of the hon. gentleman from Delanaudière has been met. Coming from another Province, of course, I have not the same keen feelings as to certain individuals who have been, perhaps, too directly referred to, as would be the case with hon. gentlemen who come from the Province of Quebec; but, after all, those things do not go for much, and the main question is, has the hon. gentleman from Delanaudiere given good and substantial reasons to the Government and to this House why, at the present juncture, it would not be advisable to increase the subsidy of the Province of Quebec? I think myself that he has; and if we give those people a larger subsidy before they show that they are in earnest in trying to save the money of the people of the whole country—for it is not the money of Quebec alone, but the money of the people of the whole Dominion, which they are receiving—if we do not wait until the Government of Quebec have shown that they are really trying to conduct the affairs of their province in an economical manner, and that if more money is given them by the Dominion it will be properly spent for necessary public services, and not uselessly and extravagantly, I think we shall not be properly discharging our trust. Under those circumstances the Government would not be justified in increasing the subsidy; and I think the argument of the hon. gentleman is perfectly sound. Very few gentlemen speak in this House who do not occasionally say a little more than is necessary, or say some things which they afterwards regret; but the great question, it seems to me, when an hon. gentleman makes a speech, is whether he has anything valuable to convey to the House and the Government. In the present instance, I think the remarks of the hon. gentleman from Delanaudiere are calculated to do that, and therefore I regret that two hon. gentlemen who are generally so courteous—such perfect models of courtesy in fact—as the hon. gentleman from St. Boniface and Mille-Iles, should have condemned in such very strong terms the hon. gentleman from Delanaudiere.

HON. MR. MASSON—The hon gentleman who has just spoken must see that there is a great difference between the claim of Manitoba and the claim set up by the Province of Quebec. Manitoba's claim was really understood as a claim to

favor, but the Province of Quebec asks for no favor. Manitoba found that it was exceedingly difficult to continue the affairs of the country, though they had entered Confederation with the understanding that 80 cents per head should be given to them on a population greater than the Province really possessed, and they came to the Government of the Dominion asking as a matter of favor for an increased subsidy. It was cheerfully granted, because we thought they needed it. On that occasion we were in a position to tell them, "If you ask this as a favor, you should also receive a very friendly hint from us as to how you should spend it." But the Province of Quebec contends that the whole system is wrong, because Ontario and Quebec entered the Confederation with one system, while the other Provinces came in on another. When Quebec entered, it was on the principle that 80 cents per head would be paid for each individual according to a certan census, and that no matter how the population might increase thereafter, the payment should not be increased; but the other provinces were allowed to enter the Union and were given 80 cents per head on their population and on their increase of population. The people of Quebec think such an arrangement is really not fair. Let us look it in the face, and I think the hon. gentleman from Halifax, who has had better terms for Nova Scotia—for which I voted most willingly—will admit that there is a peculiarity in the case. Why should Nova Scotia come into the Confederation with the special condition that their 80 cents per head would be paid until they had attained a certain population, while on the other hand Quebec should be held down by a cast iron rule and should be told "you shall have so much, and no more, whether your population be 1,000,000 or 4,000,000, whether you have 50 hospitals or 500, whether you have 20 judicial districts or five." This is the hardship of which we complain, and Quebec and Ontario only ask for that which has already been granted to the other provinces.

HON. MR. POWER—For a change in the system.

HON. MR. MASSON—That being the position, the Province of Quebec has a right to come here and tell you, "If we are entitled to this you are bound to give it to us, and as soon as we shall have received it we shall see how we shall spend it." I would be rather willing to agree with a great deal that has been said by the hon. gentleman from Delanaudere. I admit frankly and fairly that I think a little more economy might be practised in the Province of Quebec than is now observed, but this is not the place to discuss that: we are not responsible for it, nor are Messrs. Chapleau, Mousseau or DeBoucherville responsible to this Parliament for their expenditure; they were responsible only to the people and Legislature of the Province of Quebec.

HON. MR. TRUDEL—I think perhaps it is necessary to remind hon. gentlemen precisely what is the question before the House. It is a motion by the hon. gentleman from Delanaudière for some papers and correspondence connected with a certain petition from the Province of Quebec for what we used to call "better terms." Now, the hon. gentleman from Delanaudière has thought fit to bring up, in support of his motion, a numerous array of facts, which I am ready to admit, seem to me to be a little out of order, according to the rules of Parliament, were they strictly construed? But then we must not forget that unfortunately these rules have been almost entirely set aside in this House; and I do not think it is fair to call for the application of these rules against a particular member, when it is well known, and will be admitted by everybody, that hon. members as a general thing fail to observe them. The point is this, if I understand the question aright; the motion is to have some papers brought before the House to enable us to properly discuss this matter of "better terms"—or a change in the system of distributing the subsidy, or whatever other name you may please to give it,—with a perfect knowledge of the facts. That is the real question before the House. Now, as soon as the hon. gentleman on the other side had said enough to substantiate his motion, and to show that he was entitled to have his request granted by the House, I understand that according to the strict rules of Parliament this should be sufficient. But it is well known that not only in this Chamber, where the rules of Parliament are not strictly enforced, but

even in the House of Commons, in the majority of instances, even the very merits of the question itself are discussed upon the motion to bring thepapers before the House, whereas, strictly speaking, such a discussion should not take place until the papers are brought down. If it is not strictly according to parliamentary rules, it is at all events the uniform usage in both Houses. I think that if my hon. friend from St. Boniface desired to raise the question of order, it would have been better to raise it at the beginning of the speech of the hon. gentleman from Delanaudière, and I do not think that we have the right to call him to order now, since so many other hon. gentlemen before him have been permitted to pursue a similar course on motions of a like character; to make similar speeches, and to enter in the same manner into the merits of questions, which properly should not be done until the papers are before the House.

Now as to "better terms," I never understood that the people of Quebec intended to come here as beggars. I understand that the intention of the people of our Province is to raise the question whether it is not fair and just—whether it is not perfectly necessary, even, that a change should be made in the basis of the distribution of the subsidy among the Provinces; and when this question comes to be discussed we ought not to forget that the members of Parliament have an undoubted right, in that discussion, to use any arguments, or bring forward any facts which may directly or indirectly have a bearing upon the question before them. It is very well known that the provinces would never come here to ask us to augment their subsidy unless to meet some pressing want. They would not ask for money simply to put it in their treasury. And when the question does regularly come before Parliament, it will be not only the but even the duty of every hon. member not only to study the question as to whether it is to the advantage of the Provinces to augment their subsidy, but also to examine and see what advantage it would be to the whole Dominion. I have no doubt about it, and although the hon. member from Mille Iles seems not to admit my present proposition, I think he will admit that every elector, every citizen in the whole Dominion, will have the right to enquire what use is to be made of the money, and whether it will be for the general good, not only of the Province itself, but also of the whole Dominion. If that be so, if every elector has the right to enter into an examination of the merits of the question, I think that the members of Parliament have it in a still greater degree, and that therefore there was no ground for a question of order, unless we are going to depart from the invariable usage, not only of this House, but of the House of Commons also.

HON. SIR. ALEX. CAMPBELL.—I do not intend to take any part in this debate which has so unexpectedly risen on the motion of the hon. gentleman from Delanaudiere. Certainly, so far as my judgment goes, the hon. member is right in speaking to the extent even that he has done upon the motion that he has made. It seems to me the question is not one of order, but of discretion and sound judgment, and it would ill become me to express any opinion as to the use the hon. gentleman has made of his right. As regards the motion itself, the only paper which the Government has is a memorial sent in by the Quebec Government on this subject. That memorial has been sent down to the House of Commons, and will therefore pass to the Joint Committee on Printing, and be published; but if the hon. gentleman desires it his address can go.

HON. MR. BELLEROSE—No: if the document has gone to the other House and is to be printed that is sufficient.

The motion was agreed to.

BILLS INTRODUCED.

Bill (85), "An Act to amend the Dominion Election Act, 1874." (Sir Alex. Campbell.)

Bill (94), "An Act to amend the Act respecting the Offices of Receiver General and Minister of Public Works as to the powers of the Minister of Railways and Canals." (Sir Alex. Campbell.)

Bill (121) "An Act respecting the Harbor Master of the Harbor of Three Rivers." (Sir Alex. Campbell.)

CANADIAN ELECTRIC LIGHT COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (105), "An Act for granting certain powers to the Canadian Electric Light Company." He said :—The second reading of this Bill was postponed in order that certain alterations might be made. It has been agreed upon that certain sections which were considered objectionable shall be stricken out.

HON MR. DE BOUCHERVILLE—I wish it to be understood that in voting for the second reading of this Bill, I, at all events, am not committed to the principle of it. It contains a clause asking for extensive powers relative to docks and works of that sort which I object to.

The motion was agreed to.

HON. MR. PLUMB moved that the Bill be referred to the committee on Standing Order, and Private Bills.

HON. MR. MILLER—I do not know what Committee this Bill should be referred to. It contains some extraordinary provisions. It goes so far as to declare that anyone who shall injure the property of the Company shall be guilty of "simple larcency."

HON. SIR ALEX. CAMPBELL—That clause is to be stricken out altogether.

The motion was agreed to.

GRAND TRUNK RAILWAY TRAFFIC ARRANGEMENTS BILL

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (113), "An Act to authorize the Grand Trunk Railway Company of Canada to extend their traffic arrangement with the North Shore Railway Company to fifty years from the date thereof."

He said : After the few remarks which I made when asking for a suspension of the rule in order that this Bill might be introduced, I should not have thought it necessary to trouble the House with any comments on the Bill, it is so simple, if I did not consider it necessary to myself, in order to put myself right before the House, that I should make some further explanation with respect to one or two facts in reference to which the hon. member for Montarville seemed to think I was mistaken.

HON. MR. DE BOUCHERVILLE—If I used the word "mistaken," I retract it, because I do not think such an expression is polite. I thought the hon. member did not give the whole scope of the Bill.

HON. MR. VIDAL—I do not say that any expression was used which gave me the least annoyance, or which I consider impolite, but I wish to explain some points more fully than I did on the former occasion. For instance, I stated that notice had been given to the public, not, of course, through the ordinary channel—an advertisement in the newspapers—but that the object had been attained by the very public manner in which the Bill had been dealt with, not only in the House of Commons, where it had gone through the usual course, but also, I venture to say, in Quebec, where the Legislature of that Province had, prior to this, granted the very thing asked for here—an extension of the traffic arrangements between the Grand Trunk Railway and the North Shore Railway from 21 to 50 years. I did not go very fully into the matter, not thinking it necessary, but I must put myself right before the House by stating the grounds on which I spoke. I should, perhaps, have been more clear and distinct in expressing myself with respect to the legislation in Quebec, but, knowing, as I did, that my hon. friend from Montarville was actually in his seat in the Legislative Council when the Bill was passed, and presuming that he must be acquainted with its details, I did not think it necessary to refer, except in a general way, to the measure.

It so happens that the legislation of the Quebec Legislature was an amendment to the Consolidated Railway Act of the Province. My hon. friend has not been able to find that amendment ; it is rather singular that I cannot find it either, though all the other acts passed by the Legislature that session are to be found in the Library here. On examining the records I find

that it was introduced in the Legislative Council; that it was sent, in due course, to the Legislative Assembly; that it passed there, and that it was sanctioned by the Lieutenant Governor at the close of the session. I cannot give the precise language of the Act, but I can tell the effect of it. In the original Consolidated Statute power is given to the directors of any Railway Company to make arrangements with any other company for carrying traffic over their lines &c., but the term of such arrangements shall not exceed 21 years. In March last, by the legislation to which I have referred, the Act was amended to extend this term to 50 years. That legislation is general; any railway company may take advantage of it.

HON. MR. DE BOUCHERVILLE—Is that extension in the General Act?

HON. MR. VIDAL—It is an amendment to the General Act.

HON. MR. DEBOUCHERVILLE—Is it to be found in the statute?

HON. MR. VIDAL—I have already informed my hon. friend that I cannot find the Act, but I have good authority for what I say. I have here a statement from Mr. Hickson who, I am sure, would not attach his name to anything which is incorrect.

HON. MR. DEBOUCHERVILLE—I do not deny that. I thought the hon. gentleman said there was a general Act amending the original Act.

HON. MR. VIDAL—Yes.

HON. MR. DEBOUCHERVILLE—Now, it is not so; it relates to this one railway.

HON. MR. VIDAL—The hon. gentleman will find that it is a general Act. I am very glad to be able to inform him of what passed in the Legislative Council of Quebec. As to the contents of this Bill, it contains but one clause, because the second is merely to protect rights which might possibly be interfered with, not that I consider it necessary at all, but it does no harm. The whole substance of the Bill is in the first clause, which is as follows:—

"1. The Grand Trunk Railway Company of Canada shall have the power to extend the time during which the said traffic arrangement made by them and the North Shore Railway Company, on the twenty-seventh day of February, eighteen hundred and eighty-three, shall continue, to fifty years from the date thereof, any law to the contrary notwithstanding."

Having obtained legislation at Quebec, though in general terms, by which, so far as the North Shore Railway is concerned, power was given to extend this arrangement 50 years, the Grand Trunk Railway Company comes to this Parliament, from which it derives its authority, and asks for power to make this arrangement for 50 years, solely for the purpose of making its bonds more negotiable.

HON. MR. DEBOUCHERVILLE—Not the Grand Trunk Railway bonds?

HON. MR. VIDAL—Yes, the bonds based on this arrangement. I do not think we should allow our minds to be affected in the slightest degree by any of the incidents connected with the sale of this road. It is a matter with which this House has nothing whatever to do. What we know is that the sale was sanctioned by the Quebec Legislature, and that everything was done in a legal and proper manner. We know that the joint action taken by the roads has been strictly within the letter of the law. There has been no deviation whatever from the course pointed out by the acts of incorporation obtained at Ottawa, and at Quebec. This being really the only power sought for, and a power which I cannot conceive that any individual or any public body can object to, I have no hesitation in asking the House to allow the Bill to be now read the second time, in order that it may be referred to the Railway Committee, and go through it remaining stages.

HON. MR. DEBOUCHERVILLE—I agree with the hon. gentleman that a Bill has been passed in the Legislature of Quebec extending to 50 years the right of railway companies to enter into traffic arrangements, but it must not be forgotten that in the Province of Quebec, since our great national road, as we were pleased to call it, has passed into other hands, and is now considered a Federal road, there remain

only some small local railways in the Province, and there is no danger that they will amalgamate or that we will be subjected to a monopoly. Before stating to this hon. House the full sense of this Bill, I think it is necessary that I should explain, in a few words, the position of the North Shore and Grand Trunk Railways mentioned in this Bill, in the Province of Quebec. No doubt the greater number of the members of this House are aware, by having to travel over those railways, how they are situated, but many hon. gentlemen may not know precisely in what position the Province shall be when those two roads come under the control of a single company. From Montreal to Quebec, and from Quebec to the Maritime Provinces, we have three outlets in the summer, and only two in winter. We have in summer the Richelieu Navigation Company, until last year presided over by Sir Hugh Allan, and, since his death, by Mr. Senecal, whose name you will find in this Bill. We had to the south of the St. Lawrence the Grand Trunk Railway which was for a long time the only means of communication in the Dominion, with the Maritime Provinces. The Government of Quebec subsequently built another railroad on the north shore of the St. Lawrence, which made a third outlet, and the public had a safeguard in this competition against monopoly. What has happened since then? This is not the place to discuss whether the Government was right or wrong, in disposing of the road, but, we have certainly the right to state what has happened. The Government of Quebec sold our road—and I may say *en passant* it cost $15,000,000—for $7,600,000 to two companies, one of which is the Pacific Railway Company. The sale of the western section to the Pacific Railway Company was considered, I must admit, by many as a great advantage to the city of Montreal and the Province of Quebec, as it would prevent any other road from being built on the other side of the Ottawa. But there remained a part of the road, from Montreal to Quebec, which was sold to a company of which Mr. Senecal, whose name is in this Bill, was the President. It was said that we should still have an independent railway company, and that the public were protected against a monopoly, but since the Grand Trunk Railway has obtained control of the North Shore, the President of which is the same gentleman who presides over the Richelieu Navigation Company, we shall have a complete monopoly established. I call the attention of the hon. members from the Maritime Provinces to the fact that they were happy to announce when the North Shore Railway was completed that it would save them from a monopoly under which they were obliged for years to pay high rates. But what has happened already? If the newspapers are to be believed, the fares on the steamboats from Montreal to Quebec have been advanced 25 or 50 per cent. It is very probable that the Grand Trunk Railway, and the North Shore which is now under the control of the Grand Trunk Railway, will not as is former years, lower their rates in summer time as they have hitherto done since the North Shore Road has been in operation. It is not my intention to enter into a discussion as to the manner in which our Railway has been sold, or the way in which the Quebec Government obtained a majority to sanction the sale. I think, however, I can say this, that there has been an irregularity in that sale, and if I were to enter into a full discussion of the subject I would direct the attention of hon. gentlemen to the journals of the Legislative Assembly of Quebec. This sale has been made in direct contravention of the spirit of our Civil Code, which says that no property shall be sold to the administrator of such property; Mr. Senecal was the Administrator of the North Shore Road. This sale was made under certain conditions; those conditions have not been fulfilled. There is no doubt that there is a strong party in the Province of Quebec who will not cease agitating until light has been thrown on the circumstances attending that sale. It may be that they will not succeed. They have already asked for an inquiry into the management. It was refused. The Government were opposed to it entirely, and, supported by their majority, refused it and what has been the feeling of the country since the people have been called upon to speak on this question? In the County of Two Mountains the old member, an able and talented lawyer, who voted for the sale of this Railway, had to go back to his constituency, and was

beaten by an immense majority—beaten by a respectable and intelligent farmer, and the question at issue was the sale of the Railway. I am speaking only of decidedly Conservative counties—counties in which no Liberal candidates presented themselves. In Nicolet county two Conservatives presented themselves: one was the old member who had been obliged by the decision of the Courts to go back to his constituents. He had voted for the sale of one part of the road, and against the sale of the other, and what did the people tell him? They said, "we will have nothing more to do with you, we will take the other candidate who was beaten in the previous election." Then take the county of Joliette: it was a Federal election there, but the member returned, who now sits in the House of Commons, Mr. Guilbault, was well known to be opposed to this sale, and although the election was for the House of Commons the issue was on the sale of the railway, and he was elected by a large majority. It seems to me that this is the voice of the people. It is possible, and I hope probable, that an inquiry will be had into the sale of this railway, because accusations of fraud in this transaction are as thick as autumn leaves. It is possible, if not probable, that the inquiry would show this transaction was conceived in inquity and executed in fraud, and it seems to me, although I am not a lawyer, that when fraud is proved the sale can be cancelled. What do we ask you gentlemen? We ask you for fair play! Do not interfere! There are two parties in this matter. Do not interfere by granting this legislation to a party which, in our opinion at least, is holding possession of our railway by fraud.

The hon. member who has charge of this Bill has told us that it was a very simple Bill of only two clauses, one clause extending the right of traffic arrangements between these two companies from 21 to 50 years. If hon. gentlemen have the Bill before them, I will call their attention to an important clause. And I will be very sorry to use any expression which will not be perfectly in order. I respect the hon. gentleman who has charge of this Bill: I have admired him on many occasions for his firm advocacy of measures which he considered were for the good of the country. Although I do not at all times agree with his extreme views on certain questions, I think the hon. gentleman, not intentionally, but perhaps from not having read the Bill properly, has not given us its true meaning. He has told us that this measure is to authorize the Grand Trunk Railway to make better financial arrangements in England. I hope the hon. gentleman will, before going any farther, correct me if that is not exactly what he said.

HON. MR. VIDAL—I did not state that the Bill says that. I said that that is the object the Company have in asking for this Bill.

HON. MR. DEBOUCHERVILLE—The object is to give better facilities for financial connections in Europe. If hon. gentlemen will look at the Bill they will find that the object of the Grand Trunk Railway Company is not to borrow money; it is Mr. Senecal, and Mr. Senecal's company who are to borrow the money. It will be seen that the schedule provides that the agreement is by and between the Grand Trunk Railway Company of Canada of the first part, and the North Shore Railway (that is Mr. Sececal) of the second part, and "whereas the said parties hereto of the second part (that is, Mr. Senecal) propose to create a mortgage upon all their property real and personal of every kind whatsoever to the extent of $25.000 per mile of their railway, "which is not 209 miles long," said mortgage to be made to secure an issue of bonds, etc." Therefore it is quite clear that it is not the Grand Trunk Railway that is to borrow the money. The Grand Trunk Railway has not the right to buy the North Shore road according to the Consolidated Railway Act of Canada and therefore it cannot acquire that road. They have not bought the road because they cannot buy it. They made a bargain for 21 years because the Consolidated Railway Act allows them to make a traffic arrangement for that time, but not exceeding twenty-one years. Parliament, in its wisdom, after examining into the matter, decided that railway companies should not be allowed to make traffic arrangements for more than 21 years. Why did they do so? We all know what happens under these long leases. The Grand Trunk Railroad which runs its trains from Montreal to Portland

did not build that line. They leased it for a number of years, and in reality they are now masters of it: fifty years is not a short period. During a lease of fifty years they can create such liens on the road, as to really become its masters, and the public come to look on them as being the real owners. The second sub-section of the Consolidated Railway Act provides that:—"Every railway shall, according to its respective powers, afford all reasonable facilities to any other company for the receiving, forwarding and delivering of traffic upon and from the several railways, etc., and no company shall give or continue any preference or advantage to or in favor of any particular company * * * * and any agreement made between any two or more railway companies contrary to the foregoing provisions, shall be unlawful, null and void." The hon. gentleman says that this road has already been sold to the Grand Trunk Railway. I think he has gone a little too far in saying so. Mr. Wainwright, an employe of the Grand Trunk Railway, is at the head of a syndicate to buy this road, but if we take the evidence of this Bill as it is before us and I say they have not bought the road; they have not even leased the road, but what have they done? The agreement provides that, "the Grand Trunk Railway shall have the control and direction of the traffic on the North Shore Company's lines, and the rates, tolls and fares thereon shall be such as shall from time to time be approved by the General Manager for the time being of the Grand Trunk Company, but shall be such as will be calculated to develop the traffic of the said line." Is not that putting into the hands of the Grand Trunk Railway the absolute control of this road? And if the North Shore Company, gives to the Grand Trunk the complete control of its traffic how can it, according to the general law, give the same rights to other railways? They cannot do so, and, therefore, I contend that this arrangement is directly in contravention of the provisions of the Consolidated Railway Act. The $25,000 per mile of bonds issued by the North Shore Railroad Company, on 209 miles of the road, are guaranteed by the Grank Trunk Railway. The latter Company will take out of the revenue the expenses necessary for the road, and with the surplus they shall pay the interest on those bonds, and if there is not revenue enough for this purpose what is to happen? The 5th clause provides:

"That in consideration of traffic which under this agreement it is expected the North Shore Railway Company will put upon the railway of the Grand Trunk Company, the last mentioned Company agrees that should the receipts or earnings from the whole traffic of all kinds, both passenger, freight and all other sources, of the North Shore Company be insufficient to pay the working expenses and interest on the Company's said mortgage bonds to the extent of $25,000 per mile, at five per cent per annum, or to such amount thereof as may from time to time be issued, then the said Grand Trunk Company will allow, by way of rebate out of its proportion of receipts accruing from such traffic, a sum which shall be equal with the net earnings of the said North Shore Company to the payment of the interest upon the said bonds so issued."

The 6th clause provides that for any rebate so allowed the Grand Trunk Company shall receive an amount of uncancelled interest coupons attached to the company's bonds as shall be equal to the rebate so allowed, so that there is no doubt that this money is guaranteed by the Grand Trunk Railway. The Quebec Government sold the road to the company for $4,000,000, and $25,000 on 209 miles, is $5,225,000. During the month of March there was a rumor that the Grand Trunk Railway had bought this road. It was denied. It was reaffirmed, and again denied, and the facts could not be ascertained; they only transpired since this Bill came before Parliament. There may have been some other bonus given by the Grand Trunk Railway that we know not of, but at any rate with this Bill the Senecal Company will clear $1,225,000 on the transaction. We do not want anything more than fair play. We admit that there are difficulties in the Province of Quebec, and I have shown to the House that if we take the voice of the people as they have spoken in the last elections the majority will be found against this sale. We think there has been fraud; that the conditions of sale have not been fulfilled, and we want an inquiry, and if we get that inquiry we are satisfied that the sale will be annulled. Why should this House lend the weight of its power and influence against us? Let us alone. Let us fight this difficulty in our own

Province. Let the Grand Trunk and the North Shore Companies abide by the law of the Province of Quebec, but do not interfere. Do not give rights to the Grand Trunk Railway which they have not acquired under the law. This Bill has passed through the House of Commons. I did not follow the debates, but I think it passed without discussion. At all events we have seen bills come up from the other House which had not been fully inquired into, and we have to-day given a second reading to a Bill that has come up in that way. I would not have seen the danger of this Bill if I had not studied it, and relying on the fair-play of this House, and hoping that hon. gentlemen will not interfere in this matter, I appeal to them to leave us to settle our own difficulty. Leave us as we are, with the law as it is; do not stretch it; do not interfere; do not lend the weight of your power and influence against us. I beg to move that the Bill be not now read the second time, but that it be read the second time this day six months.

HON. SIR A. CAMPBELL—It seems to me that the hon. gentleman who has opposed this Bill is illogical in the reasons he has given to the House. The bargain is already made for twenty-one years; if we extend it for thirty-one or fifty-one years it does not put the Province of Quebec in a different position, and it is not interfering or throwing the weight of our authority, or any influence that we have in support of the original transaction which the hon. gentleman condemns, and of which we know nothing. But supposing that we adopted this Bill and extended this arrangement for 50 instead of 21 years, and that there was fraud in that original transaction, as the hon. gentleman believes, if there was any ground upon which he could set it aside, as he believes, that ground would still remain unaffected in any way by this Bill. But I do not see any public reason why this arrangement, if it is a better one for the parties concerned, and one by which necessary money can be borrowed by one party and guaranteed by the other if that money can be so borrowed on better terms, should involve the necessity of our saying no to their request. What ground is there why this money should not be borrowed on a traffic arrangement of 50 years as well as upon an arrangement for 21 years? I cannot see any. It is true that 21 years was fixed as the period in the clause in the Consolidated Railway Act, and one effect of that is to bring these traffic arrangements under its provisions, and to enable Parliament to control them. That, however, is a very remote sort of restriction or hold to have upon a railway, and it seems to me that it is just as good under a 50 years arrangement as under one for 21 years. The Grand Trunk Railway seem to have made traffic arrangements with this road, and upon these arrangements I suppose money is to be borrowed. If the traffic arrangements continue to be under the railway clauses Act, that money will probably cost them six per cent. whereas if the traffic arrangement is extended over 50 years, as the last clause of the Bill contemplates, they may get the money at a less rate—perhaps for five per cent. It does not at all affect the original question of fraud, nor does it affect the Province of Quebec and its interests in the North Shore Railway; it does not at all interfere with the sale of that road. The hon. gentleman seems to think if we passed this Bill we would be lending some assistance to one party in this dispute, but I do not think that position can be maintained. What sort of assistance can we lend? How will our passing this Bill assist either Mr. Senecal or those opposed to him? It will assist those interested in the road in paying for it, by enabling them to borrow money at a low rate, and whether it may be the Grand Trunk Railway or Mr. Senecal, is a matter of indifference. The Grand Trunk Railway seem to be the parties requiring something, and the allowing the North Shore Company the use of their names, that is, that money will be raised, we will say on the bonds of the North Shore Railway guaranteed under this clause apparently by the Grand Trunk Railway. But that money will belong to the Grand Trunk Railway, though they will have to pay Mr. Senecal the sum they agree to give him for these traffic arrangements. By this arrangement the money, which is to be borrowed by one or the other, will be obtained at a low rate; it seems to be part of the original transaction, both sides seeming to have contemplated that something of the kind will have to be done.

The wording of the clause in the agreement shows that the parties had it in contemplation originally that if the Parliament of the Dominion should extend the making of the traffic arrangement for a period of 50 years they would be able to avail themselves of it, so as to raise this money at lower rates. If we say we are on the side of those who are opposed to Mr. Senecal, and that we will refuse to interpose our authority, and will not allow 50 years for the traffic arrangement, what will be the effect? Not to break the traffic arrangement between the two companies, because that is an accomplished fact; it is done now, and it is legalized to the extent of 21 years. This does not legalize it.

HON. MR. DEBOUCHERVILLE—Those words are struck out.

HON. MR. MILLER—Those words have reference to the Consolidated Act which limits the arrangement to 21 years.

HON. SIR ALEX. CAMPBELL—So that the position of the parties is not to be interfered with, and any person who has the design of opposing the legality of the transaction between Mr. Senecal and the Grand Trunk Railway can still oppose it. It does not confirm or strengthen it in any way; we are just leaving the rights of the parties as they were. Therefore it seems to me there can be no public object in refusing to allow them to get this money as cheaply as they possibly can.

HON. MR. TRUDEL—As the seconder of this motion I will add a few words of explanation. I gather from what has just fallen from the hon. Minister of Justice that he does not see that, legally speaking, the passing of this Bill might change in any way the position of the parties. I think, however, he will admit that there are many things which do not appear in this Bill, and I might put the question to the Minister of Justice, whether he can say who is the present owner of this North Shore Railway: will the hon. gentleman pretend to say that it is not the Grand Trunk Railway?

HON. SIR ALEX. CAMPBELL—I have no information on the subject.

HON. MR. TRUDEL—I have put that question for the purpose of calling the attention of the Minister to the fact that many things are not very clear as to the position of the parties. If a compliment might he paid to the parties for the use of cleverness in creating the situation as it now exists, I would have a very high compliment to pay them; because in fact they succeeded in surrounding the whole transactions with such clouds that it is very hard for ordinary eyes to see what is at the bottom of it. When we go into a dark room it takes some time to accustom our eyes to the obscurity, and at first we can see nothing. There is something of the same nature in this matter. Though it is not very pleasant, I may be obliged to allude to some facts which are notorious in the Province, and which may perhaps cast some light on the merits of this Bill. About three or four years ago there was a gentleman who had been all his life continuously unfortunate in his commercial transactions, and who, like a great many others, was not able, probably, to meet a note of $25. Of course the fact of being poor is nothing against a man, and I would not reproach anybody because he was unfortunate in his business; but the fact is that this man was appointed general manager of this Railway. At the time of his appointment the papers of the Province of Quebec warned the people that the intention was to find some way in which to pass the whole Railway into the hands of that man, but of course such a thing seemed to me, and to almost everybody else, to be too absurd. The man was so devoid of means that nobody paid any attention to such a report But what did we see? Some time after there was a branch of this Railway sold by the sheriff, I think for $50,000, and that man bought it; and there were two other small branches that he built himself. Two years later it was proposed to the Province to sell the property to that very man. The hon. gentleman from Montarville has said that it was sold to a company, but he is slightly mistaken; the road was sold to a private individual, and it is quite clear that the Government had no right to sell to that man. He was entirely and absolutely incapable of buying the road, and the disposition of the code is very clear upon the point. Clause 1482 says:

"The capacity to buy or sell is governed by the general rules relating to the capacity to contract, contained in chapter first of the title *of obligations.*"

Then again, clause 1484 enacts as follows: "The following persons cannot become buyers, either by themselves or by parties interposed, that is to say:

"Tutors or curators of the property of those over whom they are appointed, except in sales by judicial authority;

"Agents of the property which they are charged with the sale of;

"Administrators or trustees of the property in their charge, whether of public bodies or of private persons.....

That is a clear statement of the provision of our law, and it shows this man cannot buy. It was said that it was sold to a company, and I will explain how it happened: This man who was the admintistrator of the road, tendered his resignation but it was not accepted, and consequently he has continued to be the administrator. He promised to form a company, and in fact with some friends he obtained, about two months after, a charter from the Local Parliament, and it is to this chartered company that the contract was passed, but the sale was made to him personally, and I think all that followed after showed that the parties who were with him in the joint stock company were such parties as are described in our law as "interposed parties," because he has continued to manage the railway as he pleased. Hon. gentlemen can see by referring to the discussion that took place in the Local Parliament, that the main reason why the majority was induced to decide that this road should be sold to Mr. Senecal was to keep the road in the hands—for they viewed the road as a national undertaking—of people of their own province. The premier of Quebec, who was a principal party to the transaction, said over and over again, "It must be sold to Mr. Senecal and others, because they are French Canadians, and we ought to give this road into the hands of people in our own Province to form a school for enabling our French Canadian young men to manage railways." This reason was urged against the views of those who were in favor of selling the road to the Canadian Pacific Railway Company. Unfortunately there are some other reasons which in a measure decided the sale: before the road was sold there was another syndicate formed, and there were some pour parlers between the members of that Syndicate and Mr. Senecal. I would here take the opportunity to refer to certain rumors which were started that I had something to do with the second Syndicate. Such a statement, to those who know my circumstances, is regarded as absurd, but I now affirm solemnly that I had nothing to do with the matter, and further I was in Europe when the negotiations began. Well, this man offered to sell to the other syndicate a share in his compact which he stated he had made with the Government, on the condition that the syndicate should pay him the sum of $75,000, which he asserted he had expended in order to prepare the sale. Now, here is the case of a public officer buying public property, the management of which was in his own hands, and newspapers belonging to that officer reiterated the statement "that Mr. Senecal had paid $75,000, to prepare the sale." No business man in the Dominion can say that any public officer could pay $75,000 to prepare the sale of public property of which he was at the time the manager, and that such a transaction was legal or right. Thus it was that this man had to admit that he had associates, in order to avoid the accusation of having tried to get this $75,000 under false pretences. Now we are met with the statement "A majority of your Local House has sanctioned that sale." That is true, but the fact remains that this public officer has himself said that he was working to obtain that railway for nearly two years, and in paving the way for the sale, he had expended this $75,000. All this time, instead of serving the best interests of the Province which was employing him, he was preparing this contract in his own favor. It is certainly a most unusual transaction, and I hope some one will be able to throw some light on the question.

HON. MR. BELLEROSE—Is not the hon. gentleman afraid that the hon. member from St. Boniface (Mr. Girard) may call him to order because he is speaking of a gentleman who is not here?

At Six o'clock the House rose for recess.

After Recess.

HON. MR. TRUDEL resumed the debate.

He said: When the Speaker left the chair, I was referring the House to the law in force in the Province of Quebec concerning the illegality of an administrator purchasing property of which he has the administration. This provision is not what we might call an arbitrary one, it is based on the soundest principles of justice and reason, and it is obvious that it would be an invasion of the law to allow this transaction to be carried out and the deed to be passed in the name of a joint-stock company. It is always an easy matter for a man of some wealth and influence to get a number of his friends to become stockholders in such a company, and by their assistance to evade the law. Therefore it is our duty to ascertain what is the spirit and intention of the law. It will be found in article 1484 of the Civil Code which provides that a public officer shall not purchase for himself, neither by himself nor through others, property of which he is the administrator. I will not occupy the time of the House by quoting the numerous authorities which are to be found in the text books, on this question, all of which show that to allow a public officer to purchase property of which he is the administrator would open the door to very grave injustice. It would always be easy for a party to present the affairs of his pupil, if he is a tutor, or the affairs of the company of which he is the administrator, in such a way as to lead them to believe that it is to their interest to sell, when the contrary might be the fact. We have a striking instance of this in the sale of the North Shore Railway. It is quite clear that the only party who could effectually protect the interests of the Province of Quebec in this transaction was the officer who had the scheme of the Company in hand. And this man became the purchaser—I speak only of facts well known to the public. Immediately after the sale a discussion arose in the press as to the action of a member of the Local Legislature, who, it was said, was acting for one of the syndicates who were endeavoring to purchase the road. In that discussion the public officer—the very administrator who had become the purchaser of the road—made a public boast that his rivals had not been clever enough to cope with him. He charged them with having endeavored to find out the real condition of the road, and with having failed to get information out of him, though he was a public officer, representing the Province, and as such was in duty bound to give every information in his power to intending purchasers. He further boasted that he had made most important arrangements with railways in the West, the contracts for which were in his pocket, which fact he had not disclosed to the public, and which, if known, would have added one or two millions of dollars to the value of the road. It is also charged that immediately after this gentleman had secured the road, as many as one hundred officials, whose salaries averaged two dollars per day each—an unnecessary expense of $200 per day—were discharged, thus adding that amount to the revenue of the road. These facts are sufficient to show the illegality of the sale, and how important it is that nothing should be done by the Federal Parliament which might afterwards have the effect of strengthening the position of the purchasers. It may be asked "How is it that this legislation was granted by a majority of the Local Legislature?" The reply is given by my hon. friend from Montarville, that a public investigation has been repeatedly demanded into the circumstances connected with that sale, and it has been refused. Some facts have been disclosed, however, which show what illegal and unlawful means the purchasing party resorted to in order to obtain control of that road. For instance it is now a notorious fact that the officer who acquired the road boasted that he had purchased the silence of journals that were opposed to him, and, subsidized others, some of them to the extent of $1,500, to assist him in carrying out his project. This, coupled with the fact that he has asserted, himself, that he had expended $75,000 in preparing for the purchase, gives an idea of what may have been the undue influences which have been employed to accomplish it.

I come now to the technical question which my hon. friend from Sarnia disposes of so easily. It is well known to the House that the Standing Orders Committee have reported that there had been no notice given of this Bill. The hon.

gentleman contends that because of the legislation in Quebec, the public had sufficient notice of the application to this Parliament. But the hon gentleman has not even taken the trouble to show us that proper notice had been given for the legislation in the Local Legislature. How is the fact of passing a Bill in the Local House—perhaps in the same way as it is proposed to pass this one here—proof that the public have been notified of the intention of this Company to apply for this legislation here? I may say, for my part, that I first became aware of the existence of this Bill on the eve of the day before its presentation in the Senate; consequently it may be presumed that I am as well informed on the subject as the majority of the people of my Province, and if the members from Quebec were asked if they were aware that such legislation had been enacted in the Local Legislature, I have no hesitation in saying that their answer would be that they did not know of its existence. The mere fact that this Bill has passed the other House does not necessarily prove that the people of the Province of Quebec have been notified that such legislation was applied for. It is argued by some hon. gentlemen that there is no use in opposing this Bill. We are asked, supposing this Bill is refused, would our positions be anything better? I have already enquired of the Minister of Justice if he could say who is the owner of the road now. It is an extraordinary poistion. There are two parties here asking for a confirmation of an agreement which has been made between them, and of the two contracting parties only one is to be seen. We have the Grand Trunk Railway petitioning for this legislation, but where is the other Company? How is it that this confirmation of the arrangement is asked for only by the Grand Trunk? Who represents the other Company? It will not be denied, as a matter of fact, that there are not two companies. There is but one party interested now, and that is the Grand Trunk, and it astonishes me to see that Company after having received so many favors from this country—because the people have not forgotten, if the Grand Trunk has, that some $17,000,000 were given to that railway out of the public funds, and one of the conditions on which it was given, was that the Company should at least respect the law—now asking to establish a monopoly in the Province of Quebec. I ask the hon. gentleman if it is not a fact that the Grand Trunk Railway is not permitted, under the law, to buy that other road? I think there is no doubt about it, and I think it is my duty to call the attention of the Minister of Justice to the fact that the Grand Trunk Company is now violating the law. I have good reason to believe that the hon. gentleman has not considered the true position of this matter—that this Bill was presented in order to enable its promoters to evade the law. It is the duty of the Government, who are the natural guardians of the law, to see that it is observed, and it would be a misfortune to the country if the Government itself should be the first to sanction this violation of the statute. This Bill proposes a ratification of an agreement which creates, practically speaking, a right of property. If the hon. gentleman will refer to the Civil Code of the Province of Quebec, article 569, he will see that this agreement carries with it alienation, so long as it lasts, and enjoyment of the rights attached to the position of proprietor. The law is there to prohibit the Grand Trunk from purchasing that property, and what does that Company do? It first makes a private agreement, and then comes here, not only for a ratification of this agreement, but for an enlargement of it—an agreement which recognises in its favor the right of proprietorship. My hon. friend from Montarville has, I believe, made out a very strong case. I contend that from what has fallen from him, and what I have stated myself as to the law of our Province in relation to this matter, it must be held that there ought to be in the minds of hon. gentleman a strong presumption that there is something wrong in this transaction that should not be countenanced in any way whatever. This House is simply asked not to do anything that would imperil our rights. The Bill itself shows that it is the intention of the Grand Trunk Railway to issue bonds and borrow money on the security of that very road, and we are by this legislation inducing the public to come forward and purchase those bonds. Is it not a fact that when those bonds pass into the hands of third parties, innocent purchasers, they will be in the best position to invoke this legislation, knowing nothing of the circumstances of this sale? Sup-

posing hereafter proceedings are taken, and the sale is set aside by the courts, and the Province should refuse to pay those bonds, issued under the sanction of this Parliament, what would be the answer of the purchaser? He would say, "I purchased those debentures in good faith, considering that I had the right to rely upon the Acts of the Local and Federal Legislatures." Would not this be sound reasoning on the part of the holder of the bonds? If the Grand Trunk Company desired to acquire that road, why did they not come honestly and openly before this Parliament, and ask us to permit them to do so? Why those frauds to evade the law by such a Bill as this, which at first sight cannot be understood?

It is said that the names of certain employes of the Grand Trunk Railway Company, are put before the public, but it is perfectly well known by everybody that these parties have no millions to invest in railways, and I think that if this Bill gets as far as the Railway Committee it will be shown there that they are only lending their names to the Grand Trunk Railway Company. If the transaction is a straightforward one; if it is of advantage to the country; if its promoters have nothing to hide; if they are perfectly ready to face the honest men of the whole Dominion, why should they come here in this way and ask for a Bill to enable them to buy the road?

I think that all these circumstances should put this House on its guard. If it is made clear that this piece of legislation is for the purpose of violating the law—designed to infringe the law of the country—that should be a very strong reason for the Government to say that it should not pass. What is the use of having laws? What is the use of putting on our Statute books, Acts for the regulation of railway companies, if those companies are permitted to come in and by underhand methods get rid of those laws? I think hon. gentleman, that when you have considered all the circumstances of the case you will come to the conclusion that you cannot do otherwise than support the amendment of the hon. member from Montarville.

HON. MR. CARVELL—Having listened with a great deal of attention to the speech of the hon. mover of the amendment, and also to that of the hon. gentleman who has just sat down, I am unable to see any reason why the Bill before the House should not pass. The points seem to be very few, and very easily taken. First, that an arrangement has already been entered into between the two parties,—entered into according to law, and for 21 years. Whether this Bill passes in its present shape or not, that arrangement will continue for the period mentioned. During the continuance of that arrangement, and before the 21 years have expired, a similar arrangement may be made for other 21 years, so that there is no possible good that can accrue to those who object to this Bill by adopting the amendment now before the House. The only object of the Bill, as I understand it, is that the arrangement having been entered into according to law, with the extension thereby granted, the parties seeking to borrow money may do so on more advantageous terms for 50 years than for 21 years. After the statement of the Hon. Minister of Justice, that the passage of the Bill can in no wise prejudice either the Province of Quebec or those interested in the North Shore Railway, I fail to see any reason for adopting the amendment.

HON. MR. GIRARD—When this Bill was passing through its first stage I was opposed, not to the Bill itself, but to the way in which it had been introduced—I complained of the want of notice. I was afraid that the interests of the public were not being protected, as it seemed that the usual notice was very necessary in this case; that the public should have been informed of the object of these two companies in seeking for an amalgamation, or an extension of the traffic arrangements between themselves. The public interests had to be guarded, and it seemed to me that there was nothing at all to protect them in this case, as would have been desirable. Accordingly, I opposed the measure on that occasion. As I understood my duty, it forced me so to act; but the question is not now in quite the same position. The Bill is now before this honorable House for its second reading. My preliminary objection has been decided against, and I have nothing else to do but to submit to that decision. It seems to me that so long as the Bill has been adopted by the other House

it would be better, after what has been done, to have it referred to the usual Committee to have an expression of opinion upon the Bill itself, and not in any way to enter into the question which has been brought up before this House in a manner which, in common with many others, I very much regret. In the course of the day we have been discussing the affairs of the Province of Quebec, and this evening we have kept a gentleman of Quebec before the House. For myself I am quite ready to give the latter the benefit of the doubt. It would be against my duty to express any opinion adverse to what has been done. I must accept, as many others have done, *un fait accompli*. I am sure there will be wisdom enough, and men of sufficient capacity in Quebec, to relieve that Province from the painful position in which she now stands. Everyone, I am sure, has heard with regret the expressions which have been uttered in the course of this debate against that Province. For my own part I have been deeply pained by it.

HON. MR. TRUDEL.—Will you recite what has been said against the Province of Quebec?

HON. MR. GIRARD—I do not think it is necessary to recite all that. But you will admit with me that the statements as to the financial condition of Quebec have been very painful. As for myself, I do not despair of the Province, I am very sure that before long she will stand in a better position, and one which will enable her to take her place as one of the gems —one of the best Provinces of the Dominion.

I occupy a curious position in regard to this Bill. I would like to please devoted friends, but, at the same time, I feel that I have a duty to perform to my country. The hon. gentleman from Montarville has asked for fair play for the Province of Quebec. I am quite willing to grant it, but we must give fair play not only to the Provinse but to the whole country also. I do not know what will be the consequence of this Bill. From some expression that has been used it would seem as if it was thought there was much danger to be apprehended from its passing. I cannot see, for my part, what there is to be apprehended. My own opinion is that it will serve the interests of the country. When the Bill goes before the Committee it will be the duty of that Committee to inquire how far it may operate against the public interests, but it seems to me, as it stands at present, there is nothing to be feared from allowing the Bill to be now read the second time.

HON MR. HAYTHORNE—This is a very simple and inoffensive looking meaure, and under ordinary circumstances I should not be disposed to take exception to any of its clauses, save, perhaps, that which looks forward to so lengthened a period as fifty years. I have always objected systematically to legislating so far ahead. Present circumstances may favor the making of such arrangements, but circumstances change; men change; a new state of things arises, and altogether these may render a transaction of this kind very objectionable. I could cite more than one instance, from my own experience, where great public inconvenience has been caused in consequence of just such legislation. My objection, therefore, to this Bill. if there were no other, would be that it contemplates granting certain privileges for too lengtened a period of time. I would also like to point out the fact that the Legislature in its wisdom has provided in an Act specially relating to such transactions, that twenty-one years should be the limited. Now I suppose that that provision of the law was made after due consideration, and it seems to me a strange thing for a company to come in here under these circumstances, and ask us for snch an extraordinary extension of time. The hon. Minister of Justice has told us that he can see no possible objection to passing the Bill; but that on the other hand it would enable the Grand Trunk Railway Company to raise money on more easy terms than they could if their privileges extended to only 21 years. Now, with all respect to the hon. member, I think it is far more desirable that the Grand Trunk Railway Company should experience some inconvenience or even possible loss than that the country should sustain any injury, and therefore I think it is an important duty for this. Chamber to perform to see to it that the public should suffer no damage or inconvenience from any lack of forethought on our part on this occasion. I will refer

shortly to some of the surrounding circumstances. Hon. gentlemen from Quebec have spoken on this subject—the gentleman who addressed us before recess, and the gentleman who spoke since we reassembled—and both have referred not without reason, in terms of strong condemnation to the bargain that was made for the sale of the railway. It seems extraordinary that a great provincial railway connecting two important places—the old historic City of Quebec, and the modern commercial capital of Canada, Montreal—should become the subject of bargain and sale and that the party purchasing it should be the very officer whose duty it was to protect the interests of the Province. I say such a thing as that, to be announced in this House by men of high standing, ought to make us hesitate before sanctioning such a Bill as this. For these reasons I cannot agree to the second reading of this Bill. It seems to me the only parties who are to gain by it—the Grand Trunk Railway Company—can very well afford to suffer such a trifling inconvenience, or even a considerable loss—as possibly they may experience—rather than that we should pass a bill of this nature. I think there was very good ground shown by the hon. gentleman who spoke after recess for hesitation on our part. He showed what are the possible consequences to the innocent bond-holders, who might purchase bonds issued by the Company on the faith of this transaction with a greater readiness if this Parliament should sanction the measure. These are, to my mind, sufficient reasons for opposing the Bill, and I shall therefore vote for the amendment.

HON. MR. ALEXANDER—This is not a question, which should call forth any lengthened discussion. The hon. gentlemen from Montarville and DeSalaberry, have made a very warm and urgent appeal to this House, as against the Bill. They call our attention to certain facts, and certain acts of alleged maladministration upon the part of the Local Government of the Province of Quebec, and say that because of those, the Dominion Parliament should not perform the duty devolving upon it, of confirming by enactment a simple agreement entered upon by two Railways, namely, the Grand Trunk and North Shore Roads, to the effect, that a lease already confirmed by the Local Legislature for the period of 21 years, should be extended to 50 years. Now, I simply ask the House what would be the certain result of our permitting any of those conflicting interests in the Local Legislatures of Ontario and Quebec to govern our deliberation in the Federal Parliament? We should entirely be led away from the simple discharge of our functions under the constitution, and our discussions and work would be endless. This Bill embodies a simple prayer that we should place the stamp or seal of Parliament upon an ordinary agreement or contract between two Railway Companies, who enter upon that agreement, in the public interest. We have nothing else before us, and no evidence to justify us, in refusing the Bill. And as regarding the Grand Trunk Railway, Parliament ought not to forget that we are chiefly indebted to that Railway Corporation for the early and rapid development of the two Provinces of Ontario and Quebec—that the original shareholders of that Company have never received any dividend to this day, upon the many millions sterling which they spent for our benefit, and for our interest—and Parliament should ever be ready to act fairly and justly to a Railway Corporation, which has done so much for the country.

HON. MR. O'DONOHOE—I must confess that I feel considerable doubt as to the course to take in regard to this Bill. Three hon. Senators aver that this bargain and sale took place by a trustee for the Province of Quebec. If that is the case, a very great fraud was committed—one that I wonder has not been arrested before now. I do not understand why the Province of Quebec has been silent, or has taken no steps to prevent the consummation of the sale. The idea of an administrator arranging for the sale of the road entrusted to his management, and so arranging the transaction that he resigned his trust on the very threshold of the bargain, and that in his own interest, is almost inconceivable. It is one of the grossest frauds that could be disclosed. We are bound, I think, to give credence to the word of honor of members of this body. If the statements made here to-day are warranted (as we are bound to believe they are) and if, as is admitted, proper

notice of this Bill was not given, we should hesitate before passing it. There are cases, I admit, in which want of notice may be waived for good reasons, but this is one which calls for a strict enforcement of the rules. There may be more in this matter than we can see. I think this Senate would be assuming a serious responsibility in doing anything in legislation in connection with a transaction of this sort; because the very fact going abroad that this Parliament has passed the measure will give it a degree of credit, and will be a muffling up of the fraud, which will facilitate the borrowing of money and the drawing of innocent parties into this transaction. Capitalists will more readily lend their money on these debentures when they are placed upon the market, because they bear the impress of the Parliament of Canada, and if there is any possibility that they may be deceived by recent legislation, we should not be parties to anything which would facilitate the perpetration of a fraud. The promoter of the Bill, under the circumstances, should let it stand until next session when, interested parties having been duly notified, we will be in a better position to deal with the merits of the question. I am not assuming that fraud has been committed or wrong done by anyone, but I do say that in view of the statements made here to-day by gentlemen of high standing in this House, and the want of proper notice, we should proceed no further until every requirement of our rules is complied with.

HON. MR. KAULBACH—I cannot vote for this Bill, because I believe it is not in the public interest that the Grand Trunk Railway should control this road. Coming from the Maritime Provinces, I feel that this legislation is simply extending the monopoly of the Grand Trunk Railway Company, from which we hoped to be relieved when the Dominion Government acquired the line from Rivière-du-Loup to Point Levis. We expected that a connection would be established between the Intercolonial Railway and the North Shore Railway at Quebec, and that we would thus have an independant line to Montreal to which the Canadian Pacific Railway now extends. The Grand Trunk Railway Company has discriminated against the Maritime Provinces and in favor of places outside of the Dominion, and I believe that any legislation to extend and perpetuate its powers is not in the public interest. Facts have been stated here to-day which prove that the transaction by which the Grand Trunk Railway Company acquired possession of the North Shore Railway was not one which should be sanctioned by legislation of this Parliament. The ostensible object of this Bill is to legalize traffic arrangements between two companies for a certain period. I do not look upon it in that light, but assuming that the Bill is what it purports to be, it is virtually giving the Grand Trunk Railway Company exclusive control of the North Shore Railway for all time to come. Under the circumstances, I do not think the President of the Grand Trunk Railway Company has fairly presented his case: evidently there were some features of it which were not disclosed to the Quebec Government. It is not such a transaction as would have been approved of by the people, the Legislature or the Government of Quebec if all the circumstances had been known to the public. If it had been understood at the time that this railway was not to be maintained as an independent line, but was, in the interest of the persons who had got possession of it, to be handed over to the Grand Trunk Railway Company to extend their monopoly, I do not believe the Government would have entered into an arrangement which I believe is detrimental not only to the Maritime Provinces, but to Quebec itself.

The Senate divided on the amendment, which was rejected by the following vote:—

CONTENTS:

Hon. Messrs.

Almon,	McClelan,
Armand,	McKay,
Baillargeon,	Masson,
Boucherville, de	Nelson,
Chaffers,	O'Donohoe,
Chapais,	Pâquet,
Dever,	Pelletier,
Grant,	Power,
Haythorne,	Stevens, and
Kaulbach,	Trudel.—21.
Leonard,	

NON-CONTENTS:
Hon. Messrs.

Alexander,	Macdonald,
Allan,	Macpherson,
Archibald,	(Speaker),
Bourinot,	Miller,
Campbell,	Montgomery,
(Sir Alexander),	Ogilvie,
Cochrane,	Plumb,
Dickey,	Read,
Ferrier,	Robitaille,
Flint,	Ryan,
Girard,	Simpson,
Glasier,	Sutherland,
Guévremont,	Vidal, and
Howlan,	Wark,—27.
McMaster,	

HON. MR. BELLEROSE—I do not know what the practice of the Senate is as to those who have paired off, but in the House of Lords the practice is to mention their names in the minutes. I paired with Mr. Botsford and I ask to have that fact placed on record.

HON. MR. PLUMB—The rule in the House of Commons is that when a member of the House of Commons does not vote, attention is called to the fact and he then states why he has not done so.

HON. MR. BELLEROSE—I know that is the practice in the House of Commons; ordinary politeness would require a member to explain, when asked to do so, why he does not vote. I want, as a matter of right, to have my name entered on the journals of the Senate as having paired.

HON. SIR ALEX. CAMPBELL—I think it would be better to defer the matter until it is ascertained what the practice is, and the hon. gentleman can have the advantage of it whatever it may be.

HON. MR. CARVELL—I wish to say that I opposed the amendment, but did not vote, having paired with the hon. member for Ottawa at his request.

The Bill was read the second time on the same division.

CANADA AND ASIA MARINE TELEGRAPH BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole, on Bill (116), "An Act further to amend the Act respecting the incorporation of a Company to establish a Marine Telegraph between the Pacific Coast of Canada and Asia.

HON. MR. READ, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

DOMINION LANDS BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (45), "An Act further to amend, and to consolidate as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned."

He said: This Bill has for its object the consolidation into one measure of the three statutes which now govern the administration of the Dominion Lands. There are not many changes proposed, but those changes are of considerable importance. In the first place, it is very desirable that all the laws which regulate the management of these lands should be incorporated in one measure for the convenience of those who have to administer them, and of settlers. The changes are of some consequence and are the result of experience derived from the practical administration of the lands. The first, and a very important one, is that the settler may secure a second homestead. As it is now, the privilege stops with the first one though he may have discharged all the duties attached to the acquiring of it. He may have an opportunity to sell it, but he is debarred from acquiring a second homestead, and is thus often driven to the United States. That entails the loss of a subject. There is no reason, if a man has discharged all the duties necessary to secure a homestead, why he should not be permitted to acquire a second one, and this change in the law will permit him to do so. The effect of it will be to establish two settlers in the country instead of one—the man who purchases the first homestead and the homesteader, himself, who acquires a second one.

Then, a difficulty has arisen in consequence of the time allowed to settlers to take possession of their lands after their

entries are made. A period of six months has been allowed in the later Act (it was two months, I believe, in the earlier one) but this has been found insufficient, inasmuch as persons going to that country in the fall of the year after selecting their lands and making their entries cannot take posession of their, land within the period mentioned in the Act. There is no object in pressing them unduly to do so, and this Bill proposes to enlarge the time, and to provide that any settler making his entry after July, shall have until the following summer to take possession. That, it is thought by those who administer the lands, will have a very useful effect. Then an evil has been found in administering the lands, which it is proposed to remedy by this Bill. Some persons are constantly on the look out, and endeavoring to forestall settlers—jumping claims it is called—by which the actual settler is interfered with, and the speculator, with the assistance of some person whom he employs, goes in in advance of the settler, and jumps the claim. It is proposed to obviate that evil by the employment of proper officers, whose business it will be to inspect those pretended settlements, and see that these practices I have alluded to are not successfully carried out. Another evil that has been complained of is the delay in issuing patents. Under the system which now prevails, patents are first prepared by the Department of the Interior; then they go to the Secretary of State, from that to the Department of the Minister of Justice, and from there they go back to the Secretary of State, and then to the Privy Council, all for the purpose, in the first place, of properly describing the land, then for the purpose of getting the sanction of the legal department to the patent, then for signature by the Governor-General, and then for registration. It is proposed to shorten the procedure by confining the work to two departments.

In order to facilitate the dealings with lands a proposition is contained in the Bill which I think hon. gentlemen will approve of, by which the certificate of the local agent that the holder is entitled to his patent, endorsed by the land commissioner or by the agent at Winnipeg, will have the effect of a patent, so that if a man has made his entry and has gone into possession, and made his improvements and gets the certificate of the local agent to that effect, and that is endorsed by the Land Board or Commissioner at Winnipeg, he is in a position to sell, or to mortgage, or to deal with his land as if he had the patent. It is thought that these two provisions will be very useful indeed in dealing with the lands in the North-West. Then great difficulty has arisen with reference to school lands. Under the law school lands are not allowed to be sold except by public auction. This is a well known regulation in the North-West, and it is also known that those who go wilfully and intentionally on such lands are not entitled to any consideration. Nevertheless many people have settled on the school lands, and it is now a problem with the Government how they shall be dealt with. It is necessary that the school fund should be kept sacred. The proceeds of those lands are intended for the education of the people in the future, and the Government Dominion are the trustees for the future inhabitants of Manitoba, and the North-West for that fund which is to be devoted to one of the most—if not the most important of all objects, and therefore the Government are exceedingly unwilling to recognize in any way the claims of those who have gone on school lands. There are very few persons who have gone on in ignorance of the regulations with respect to such lands. The Bill does not propose to touch those cases; it proposes to leave them there for the action of the executive Government, but it proposes to make more clear for the future that nobody who settles upon school lands shall receive any consideration whatever. Then it is proposed after the 1st of January, 1885, to abolish the right of pre emption. That right was at one time thought to be a very great advantage. We followed, in establishing it, the example of the United States, but experience has thrown a doubt on the wisdom of it, and tends, at all events, to show that the right of pre-emption is the parent of many disputes and evils, and does not give the advantage that it was supposed to do. In the United States an effort has been made to abolish it; that effort has not been well received in Congress, but those who are concerned in administering the lands in the United States think that the opinion of Congress will not continue in that respect, and the law will ultimately

be changed in the direction we propose to change it, abolishing the right of pre-emption. These are the changes which the Bill offers for the consideration of the House. I am glad to know that in the ultimate discussion on the Bill in Committee of the Whole, where its various details will be considered, I shall have the valued assistance of the hon. Speaker of this House, who has for some time past been actively connected with the department, in explaining to the Committee the various details of the measure, and in satisfying the House that the present provisions of the Bill as well as the changes which it contemplates are in the interest of the country and deserve the favorable consideration of Parliament.

HON. MR. ALLAN—With respect to the certificates to be issued by agents, will they be final so far as the holders of such certificates are concerned? There will be no going behind them once they are issued?

HON. SIR ALEX. CAMPBELL—There will be no going behind them.

HON. MR. PLUMB—I venture to address the House at this stage of this Bill with a view to two things, first to say that I am entirely in accord with the hon. gentleman who has moved this Bill and with the Bill as it has been introduced into the House. It must be well known that all measures of this kind are to a large extent experimental. Whatever legislation is required for the purpose of providing for settlers in a new country where everything is untried, where the wants to be provided for are comparatively unknown, must be largely subject to revision, and it would be most improper for any government to adopt a hard and fast rule, and decide that any regulations which had been adopted were to be permanent. Experience has shown that certain regulations which were in the first instance thought to be salutary must now be somewhat modified, and the growth of the regulations from the beginning when the North-West was first acquired until now marks the gradual increase of the interest taken in that country, the rapid developement of its resources, and the necessities which, from time to time, have forced themselves upon the Government and have been adopted in favor of increasing the population and to accommodate as far as possible those who are going up as pioneers to take possession of the land. One of the prominent features of this Bill provides that the homesteader shall not be restricted to the acquiring of of that one homestead, but shall have the privilege, under certain circumstances, of relinquishing the first and of taking another. In the previous regulation the settler exhausted his right by taking the first homestead. I think it is in the interest of settlement, and in the interest of the country that after due notice the pre-emption right shall be rescinded. I have no doubt that it gave rise to constant difficulty and that it was not in the interest of the country. It is also provided, that there should be stringent provisions made to prevent what is called claim jumping. It is well known that in the North-West a class of speculators have been constantly on the watch to take advantage of the circumstances of first claimants, and in the absence, failure, or inability of any settler to fulfil the conditions of settlement from causes which he might not be able to control. After he had selected a good lot they followed him for the purpose of availing themselves of his misfortune. I am very well pleased to find that the Government have seen fit to protect any settler who has not wilfully forfeited his claim to their protection. Many interesting reflections occur to every one who has watched the development of the North-West from the inception of settlement there as a Dominion domain by the purchase of the territory from the Hudson Bay Company. At that time little was known of the actual advantages that were acquired by the purchase. Little was known of the actual conditions of the country. It was the home of the wild Indians and of the wild animals that they hunted for subsistence. It was in the interest of those who then controlled the country that its resourecs should not be known; it was intended by them, so far as they could, to keep it for purposes for which they had hitherto held it as a fur bearing preserve, and it was after a very long time and under very great difficulties that it was discovered that the Great North-West was to be the future garden of Canada—the great possession which would ultimately recoup Canada for all the expense incurr-

ed in connection with its purchase and development, and provide the means not only for opening it up for settlement, but probably for the reimbursement of a very large portion of the national debt. Gradually it has come to be known that nearly all those portions of the region West of Red River, and South of parallel sixty which were supposed to be almost valueless, are equally prolific with those which were at first known to be productive, and I intend with the permission of the House to call attention to some of the peculiar features which, I think, have warranted and justified the Government in making the predictions that they have made in regard to the future of the country. It will be remembered that various projects have been entertained for the opening up of the wilderness, and at the same time fulfilling what were considered to be the obligations incurred by the Government at the time of Confederation. One of those obligations, the greatest, the most important, and the most weighty, was the union of the Eastern and Western portions of the Dominion, by a line of railway. We were told, and we were told with authority that the Dominion had prematurely entered upon those obligations. We were told that the Dominion had not the financial strength to construct a railway of so great a length, and that the burden of taxation upon the people would be too heavy—that the undertaking was entirely premature. I had at that time the honor, during some discussion that took place upon that subject, to point to the factthat a few men, practically unaided by the Government, during one of the most difficult financial periods in the United States, in the midst of a great war, had by their own enterprise, energy and courage succeeded in building a line from Sacramento to connect with the Union Pacific at Cheyenne that was being pushed across from this side of the continent. Four or five men in California united in this effort and by their own exertions they were enabled to construct a railway from the Sierra Nevada through a country beset with formdable difficulties, at that time promising but very little return for the enormous outlay. Then on this side the Union Pacific in the hands of a few men aided somewhat by Government subsidies, as were those on the Western section—mainly of lands—which were then supposed to be comparatively valuless ran their line west until the two met somewhere near Cheyenne. I argued from that that if a few private individuals were able to accomplish so much in the way of railway enterprise, the Dominion of Canada was powerful enough to build her own line. The event has proved that everything that was predicted by those who were most desirous for the construction of our railway, has been more than verified, and why? Simply because the fertile territory extending from the Red River to the base of the Rocky Mountains has proved to be the means by which the whole outlay is to be re-couped with a speed and certainty beyond the predictions of the most sanguine. At one time it was proposed that a subsidy should be given of 50.000,000, of acres of land, and $10,000 a mile and interest guaranteed for 25 years upon an amount of capital, which was not a fixed quantity. The sum proposed, however, was calculated to be equivalent to something over $49,000,000 in cash, and the value of the land, whatever it might be, was to be added. With that offer before the public for years, which was characterized by the leader of the late Government as truly liberal, such was the fear that there was no value in the North-West land, that no bidders could be found. Mr. Fleming made the attempt; Mr. Mackenzie made the attempt; the offer was open for years, but there could be found no Company who would venture to undertake so difficult a task. Subsequently, upon the return of the Conservatives to power, 100,000,000 acres of land were placed at the disposal of the Government by Parliament, for the building of this railway. Then those who were the prophets of evil predicted that we had not the power to carry out this project, and contended that we might as well give ten acres of land as 100,000,000; but that vast tract is now in the hands of the Government, as a trust for the purpose of recouping the Government and the people for the advances made towards the construction of our national highway: 25,000,000 acres have been handed over to the Canadian Pacific Railway Company, with cash subsidy of $25,000,000, and the portions of the Railway constructed by the Government; and the remaining

75,000,000 of acres are in the hands of the Government. With that 75,000,000 they are dealing under this Bill. At the time of the discussion in regard to the granting of 100,000,000 acres of land, the Premier made a statement as to what was the calculation in regard to the population that would go into that country, in regard to the sales that would be made there, and in regard to the probable results at the time when the completion of the railway might be expected. I remember the derision with which that prediction was received by the opponents of of the Government. I intend to show, before I am done with my remarks, that, so far from being extravagant, it was quite within the mark; that the results for the last two or three years have shown conclusively that anything that was then estimated will be far exceeded if the ratio of increase continues that has been shown during the last two or three years. Before that, however, I wish to say that the basis upon which that calculation was made was the growth and development of several of the new States and Territories of the United States, which under similar circumstances had been brought under cultivation, by railway facilities and it was natural to suppose that under like circumstances, with a soil as good if not better than they had the North west might claim to have similar advantages. I have been lately led to look over the statistics of the United States as presented in the census returns, and comparing them with the census returns of Canada I have been utterly astounded at the results. I have found of the growth and development of some of the newer states on which the calculations of my right hon. friend the leader of the Government, just referred to, were based. These statements were so marvellous that I ask the attention of hon. gentlemen who are listening to me now, to the brief resume that I shall make of them, because I think nothing can be imagined which can more greatly strengthen any case which has been made on our side, and by those thinking as I do in respect to the general prospects of our great possession to which we are all looking now with the deepest interest in respect to its capacity to sustain the burden which is to be thrown on the country by the construction of the Canadian Pacific Railway. I take for my example three States of the Union—the State of Nebraska, which is a comparatively new one, and which ten years ago, had scarcely any population; the State of Minnesota, which 20 years ago was almost unknown, and the State of Kansas, which had but a few settlers in it 20 years ago and since that time has been developed. The following table will show the enormous growth in the population and development of those States:

I.

Railway Mileage, 1879, Population, Crops of Wheat, Corn and Oats in Nebraska, Kansas, Minnesota, and total of same in the United States, according to Census Returns of 1860, 1870 and 1880.

1879 R'y Miles		Population, 1860	Population 1870	Population 1880	Bus. Wheat. 1860.	Bush. Wheat 1870	Bush. Wheat 1880	Bush. Corn 1860	Bush. Corn 1870	Bush. Corn 1880	Bush. Oats 1860.	Bush. Oats 1870	Bush. Oats 1880
2782	Nebraska	28,441	123,000	452,000	147,867	2,125,026	13,817,007	1,482,086	4,736,710	65,450,135	74,502	1,477,562	6,555,875
1844	Kansas	107,206	384,000	996,000	194,173	2,491,198	17,324,141	6,150,727	17,025,525	105,726,325	88,325	4,097,925	8,180,385
4025	Minnesota	172,023	439,000	780,000	2,186,993	18,866,073	34,691,036	2,941,952	4,743,117	14,831,741	2,176,002	10,078,261	23,384,158
	Total	307,670	926,000	2,228,000	2,529,033	23,482,297	65,742,178	10,574,759	26,505,352	186,011,201	2,338,829	15,653,748	38,120,418
	United States	31,443,221	38,558,371	50,185,783	173,104,924	287,745,626	459,479,505	838,792,742	769,944,549	1,754,861,535	172,643,185	282,107,157	407,858,999
	Percentage of above 3 States to U. S. totals	1/100	1/41	1/22	1/68	2/25	1/7	1/83	1/30	1/9	1/75	1/19	1/10
	U.S increase		23%	30%									

II.

Acreage of Farms, Value of Farms, and Value of Crops in the above States, and in the United States, as shown by the same Returns.

	ACREAGE OF FARMS.			VALUE OF FARMS.			VALUE OF CROPS.		
	Acres 1860	Acres, 1870	Acres, 1880	Value, Dollars, 1860	Value, Dollars, 1870	Value, Dollars, 1880	Value, Dollars, 1860	Value, Dollars, 1870	Value, Dollars, 1880
Nebraska	631,214	2,093,781	9,944,826	3,878,326	30,242,180	105,432,541	NO REPORT.	8,604,742	31,708,914
Kansas	1,778,400	5,656,879	21,454,476	12,258,230	96,327,040	235,178,936		27,630,651	52,240,361
Minnesota	2,711,968	6,483,828	13,403,019	27,505,922	97,847,442	193,724,260		33,446,400	49,468,951
Total	5,121,582	14,234,488	44,802,321	$43,642,478	$218,416,662	$534,335,737		$69,681,743	$133,418,226
U. S. Totals	407,212,538	407,735,141	539,309,139	$6,645,005,007	$9,262,083,861	$10,197,096,776		$2,447,538,658	$2,213,402,564
Percentage of above to United States totals	1/80	1/29	1/12						

Total engaged in agriculture.....1870, 5,922,471; 1880, 7,670,493.
" in above three States....1870, 171,500; 1880, 428,122.
Increase of Production of above three States, in 1870 over 1860.....Wheat, 20,853,264 bushels; Corn, 15,930,593 bushels; Oats, 13,314,919 bushels.
" " " 1880 " 1870..... " 42,259,881 " " " 159,505,349 " " 22,460,670 "
" acreage " 1870 " 1860.....9,112,906 acres; 1880 over 1870, 30,667,833.
Increased value of Farms " 1870 " 1860.....$172,774,184; 1880 " 1870, $316,419,075.
" Crops " 1880 " 1870.....$63,737,438.
Total increase value of Crops of United States, in 1880 " 1870.....$935,013,000.
Total increased Farm acreage " from 1860 to 1880.....130,166,601 acres.
" " above three States 1860 " 1880.....39,680,739 " or 30% of the whole.

III.

Cash value of Crops, per acre.....Iowa, $8.85; Kansas, $9.11; Minnesota, $10.21; Nebraska, $8.60; Nevada, Colorado and Territories, $16.10
Average production per acre United States, average 10 years up to 1879.....Corn, 27 bushels; Wheat, 12 bushels; Oats, 28 bushels; Barley, 21 bushels.
Production of Mackenzie Farm, Manitoba, per acre, (reported by George Gowan, Wigtownshire) Wheat, 1874, 41 bushels; 1878, 36 bushels; Oats, 75 to 80 bushels; Barley, 40 to 45 bushels.

The increased farm acreage, in the whole United States in the ten years between 1860, and 1880, was 130,166,601: of this 39,680,739, or thirty per cent., were added by those three states. Now, I argue from that that the growth of the three principal cereals is tending in a certain direction. We all know that the wheat crop of the United States is gradually centering in the newer states of the West. From that it is fair to infer that as the wheat crop decreases in those states the final result will be that the Canadian North-West must become the great wheat field of North America. The same authority which I am giving you here shows that the average yield of wheat of the United States—is less than twelve bushels to the acre. There is no doubt that the average yield in Minnesota, which is one of the most fertile of all the wheat growing states of the Union, has declined until it is now not more than 15 or 16 bushels to the acre. Throughout the United States, the old wheat growing lands have become exhausted. The great Genesee country, which I used to know as a boy, cannot now raise wheat, and the old mills that were provided for the purpose of grinding the famed Genesee wheat, are now supplied only by wheat from Montana and Nebraska. From all this it is safe to argue that the final production of wheat will be found to be in the North-West. Twelve bushels to the acre does not pay the husbandman, if high cultivation and manuring are required. Fifteen bushels to the acre scarcely pays where such cultivation is necessary, for the average price, according to those tables is but $1,06 per bushel in the United States. The same may be true of corn, but the Dominion will never be a corn producing country. It is also true of oats; the average yield of oats, as given in the United States census, is 27 bushels to the acre. The average yield in the North-West, as given by the reports—which I can produce, and which are in tables which I have before me—of 50 or 60 returns from Manitoba and the North-West, is over 60 bushels to the acre, in some cases 80; and the average overweight is some five or six pounds to the bushel, the average weight being 37½ pounds to the bushel throughout the North-West. In the same way I have taken the average of 65 different crops of wheat and have found it to average 64½ pounds to the bushel, which shows not only that the crop is very prolific, but that the wheat is heavier than the average in other countries. I understand that 60 pounds is the average in Iowa, and in some of the older states it does not weigh more than 56 pounds to the bushel. But there is another and most important consideration. Owing to the peculiar nature of the soil in the North-West, the roots of the wheat go down deeper and afford greater sustenance to the plant, and consequently it produces a better berry than it does anywhere else on this continent. It is well known that a prominent miller of Minnesota, a few years ago, went up to the North-West to procure seed, finding that the crop in Minnesota was gradually deteriorating. He found there that a head of wheat produced three kernels parallel, where there were but two in Minnesota or Dakota making a difference of one-third in the product, the heads being the same length. He found also that further North, at Prince Albert, and on the Peace River, ther were four or five parallel kernels, which in comparison with the product of Minnesota, 17 bushels to the acre, meant 25 bushels to the acre. This is well authenticated, and it is entirely owing to the nature of the soil, and forms a profit which is perfectly enormous, and which distinguishes this as the wheat growing country beyond any country in the world that we know of. The tenant farmers who were sent out to this country from Great Britain, and delegated by their own organizations at home to visit the North-West, visited Dakota and Minnesota. One of the most intelligent of those delegates, Mr. Biggar of Kircudbright, states that as between Dakota and Manitoba and the North-West, he does not hesitate for one moment to say that the advantages are infinitely in favor of our Canadian North-West. He says that the crop in Dakota is less, by ten to twelve bushels to the acre, than it is in Manitoba and the North-West, all of which he says —the difference of ten or twelve bushels —is profit. His statement is confirmed by the statements of several others who also visited the two countries. It is obvious that one of the states that we have to compete with is Montana. It must be known to gentlemen here

that that great territory which contains 93,881,184 acres of land has, according to the statements of the local authorities, only 3,346,400 acres of arable area. Those lands are fertile and have very much the characteristics of our own. But the extent of them is so limited that they cannot come well into competition. Therefore when we find that the crop in Dakota is ten to twelve bushels per acre less than ours; when we hear that the crop in Minnesota had fallen two years ago to a little over fourteen bushels per acre; that the grain itself has so deteriorated in value that it is necessary at some points to re-inforce it with the harder wheat of the north, the calculation we make that ours will ultimately be the great wheat producing country of America is fairly based and fairly sustained. But there are other conditions. The soil of our North-West is shown by the reports in my hand to vary from 18 inches to 12 feet in depth of absolutely vegetable mould which is practically inexhaustable in either case, and those plains which were supposed to be perfectly arid and to be impracticable deserts covered with the wild cactus and artemisia are found, as soon as the sun-baked surface is broken, to be cultivable and yield most luxuriantly; in fact some of the very finest parts of the country which were supposed to be portions of the great American desert have recently been found to contain the most valuable and prolific soil of the North-West. It has also been discovered that the same climatic conditions exist from our southern boundary line as far north as the 60th parallel; the same flora, the same herbage, the same conditions which promote the growth of that herbage, exist from the 49th parallel up almost to the neighborhood of Peace River, and in some cases even beyond it. The spring opens at the same time over the whole range. Seeding can be commenced at the same time; the harvest can be reaped the same time, and practically there are tracts of country, from 900 to 1000 miles, extending from the 49th parallel northward which bear exactly the same relations to as the crops throughout their whole extent. There is nothing more remarkable than the regularity of the rain falls in the months of June and July, which are the growing months in those latitudes, and the dry season which takes place at the time of the harvest. The seed is sown and harrowed in the month of April, as soon as it can be covered, before the frost is out of the ground. Seeding on the great Bell Farm at Qu'Appelle, was begun on the 10th of April. It lies there and begins to germinate in the warm soil on the surface, and as the ice thaws below it creates a moisture that promotes vegetation. In June and July, the rain falls take place; and barley sown on the 6th day of May is harvested about the 8th day of August, and that is the case throughout almost the whole of that territory. The wheat is ripe for harvest before the month of September and at that time, as the weather is perfectly dry, the berry that has attained a marvellous growth through the richness of the soil and the frequent rain falls, becomes hardened and is found to be the very best of grain for the making of flour. It is also rich in the nitrogens, and it is known that there is no flesh-forming product equal to a wheat. It is estimated that 480 pounds of wheat are equal to 550 pounds of the best beef, or to 4,800 pounds of potatoes; that is the statement made in the reports of Mr. Caird, Mr. Bourne and other statisticians in England. Wheat must continue to be the staff of life for the human race, and I believe we have to offer to the world the greatest, the most extended, the cheapest and most prolific wheat fields that exist on the face of the earth. There has been a comparison made between the chemical condition of the soil of Manitoba and that of Holstein in Europe.

The fact that the sunlight is greater in the North-West by two or three hours than it is with us is another most important element in the productiveness of that country. In the Peace River district, in the longest days, the sun rises at ten minutes past three and sets at forty minutes past eight; there is but thirty or forty minutes difference between the length of the day there and the length of the day in the Province of Manitoba; consequently the longer sunlight gives extraordinary growth and vigor to the crops during the growing season, which extends through the months of May, June, July and part of August. It is shown by the tables that the mean temperature of the growing months is higher at Winnipeg and Battleford than it is at Toronto. Everywhere the mean temperature in

July and August is at 60 degrees wheat attains perfection. It is a well-known law that in the growth of wheat the further north it can be cultivated within the limits of successful production the better is the berry, and that is undoubtedly the case in the North-West. It is also true that there is no plant which is so susceptible to injury by frost as oats. The oat plant flourishes almost as far north as the Peace River as well as anywhere else on this continent and the priest of the mission at Qu'Appelle raised last year I am told over 700 bushels of oats on 9 acres of ground—over 80 bushels to the acre. The following statistics will show that from 70 to 80 bushels per acre is a very common average as reported by the farmers who have sent in their returns in connection with Professor Macoun's report :

As I have some further remarks to make on this subject, and as the hour is late, I move the adjournment of the debate until to-morrow.

The motion was agreed to.

The Senate adjourned at 10:10 p.m.

THE SENATE.

Ottawa, Wednesday, May 9, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE 61st RULE SUSPENDED.

HON. SIR ALEX. CAMPBELL moved that the 61st rule be dispensed with for the remainder of the Session. He said : This is the rule which makes it necessary that a notice shall be posted in the lobby for 24 hours before a private Bill originating in the Commons can be considered by a committee of the Senate. I think the House will agree with me that at this stage of the session we can safely suspend the rule.

The motion was agreed to.

PETROLEUM IN QUEBEC.

INQUIRY.

HON. MR. TRUDEL called the attention of the Government to the urgent need of having borings made by the Geological Survey in order to ascertain whether petroleum is found in the geological formations of the banks of the *St. Lawrence*, particularly between *Varennes* and the *St. Maurice River* at *Point aux Trembles*, near *Quebec*, and on the *Island of Orleans* ; and enquired whether it is the intention of the Government to have borings made by the Geological Survey at the places above mentioned ? He said—I have had occasion lately to read the reports of Mr. Laflammne, one of the professors of the University of Quebec, and one by Mr. Globenski, a very intelligent gentle man, who, I think, is employed by the Government of Quebec in making certain explorations respecting the natural resources of that Province. It has been ascertained, from the reports of those gentlemen, that there exist in the Valley of the St. Lawrence, between Varennes and the St. Maurice, springs which emit in large quantities a gas known as protocarbonate of hydrogen. Everybody has learned with satisfaction that the Government, true to their National Policy, have offered large inducements for the encouragement of the manufacture of bar iron in this country. I am informed that gas such as is emitted from those springs is an important element in the manufacture of bar iron, and it has been ascertained that one spring sends forth as much as 8,000 cubic feet of gas every 24 hours, and I think it is in the public interest that the attention of the Geological Bureau should be called to the fact, and that the Government should issue instructions to them to have borings made in the places referred to. Mr. Globenski also reports that, in his opinion, it is not improbable that petroleum may be discovered at a certain depth, which, if it should prove to be the case, would be another source of wealth to the country.

HON. SIR ALEX. CAMPBELL—If there was any reason satisfactory to the Geological Survey to believe that petroleum in any paying quantities could be found in that section of the country, the

Government would be willing to institute an investigation by the means the hon. gentleman desires; but Professor Selwyn thinks there is nothing in the geological formation of that district to justify the expense which the borings would involve. The Government cannot in the face of that information cause these borings to be made. But I wish to draw the hon. gentleman's attention to the fact, that in Ontario, where petroleum has been discovered, no experiments have been made at the expense of the Government; they have all been made by private enterprise by individuals intent on increasing their own fortunes, and for the purpose of speculation. If there are gentlemen who believe in the existence of petroleum in the section of the country indicated, which the Government does not, then it is for those private proprietors to make these borings themselves.

HON. MR. TRUDEL—I think the report which I hold in my hands is conclusive.

HON. SIR ALEX. CAMPBELL—If the hon. gentleman sends me the papers I will see that they are submitted to the department.

THIRD READING.

Bill (66), "An Act to incorporate the Quinze Pier and Boom Company." (Mr. Skead).

A QUESTION OF PRIVILEGE.

HON. MR. POWER—Before the orders of the day are called I wish to call the attention of the House to a matter somewhat in the nature of a question of privilege inasmuch as it concerns the veracity of a member of this House. It is as to the accuracy of a quotation. It will be remembered that on Saturday the hon. gentleman from Ottawa made a speech on the Militia Bill which attracted a good deal of attention from gentlemen who spoke after him. I understood the hon. gentleman from Niagara to say in his subsequent speech that the hon. gentleman from Ottawa has remarked that Canada was unable to afford any assistance to England in case of war. I took the opprotunity of stating at the time that the hon. gentleman did not correctly quote, or that he misapprehended what had fallen from the hon. member from Ottawa. The hon. gentleman from Niagara then said that as the official report had not appeared he declined to accept my recollection, and perhaps in taking that position he was quite right. It is due to the hon. member from Ottawa and myself to read what the official report does represent him to have said. At page eight of the report of last Saturday the hon. gentleman from Ottawa is represented as saying.

"Britain rules the waves to-day just as effectually as she did fifty years ago, and therefore it is by British ships that a foreign aggression will be resisted, not by Canadian arms or Canadian guns."

"HON. SIR ALEX. CAMPBELL—Still we must do our share.

HON. MR. SCOTT—Our share would be to furnish very different material than that which goes to make these militia corpst England has been in straitened circum. stances within the last few years. We have offered her assistance time and again, but only on one occasion was that assistance accepted. It was accepted in the form of Canada gold when we forwarded it to assist in the care of the wounded in the Crimean war."

That sustains the view which I took that the hon. gentleman had said that England did not wish our assistance in the shape of men, but accepted it in another shape.

Then in the course of the same debate it will be probably in the recollection of hon. gentlemen that the hon. member from Toronto (Mr. O'Donohoe) made a speech with respect to the military force in which he referred to the military system of Switzerland. After he sat down I stated that he said harder things of our militia than the hon. gentleman from Ottawa, when he remarked that a thousand such men were worth 10,000 Canadian volunteers. The hon. gentleman denied that he had said so. It will be remembered by the House that the hon Senator remarked that he had not used the word "volunteers" at all. Now, looking at the official report, I find this language which I think justified my remark: Speaking of those Swiss men he is represented at page nine of the report of Monday las tas saying: "A thousand such men rallied on the day that the enemy approached were worth 10,000 of your volunteers brought green from the sod."

I think that the report perfectly justifies the language which I used. I am not in the habit of paying much attention to matters of this sort, but I thought it as well to establish the fact that I was justified in the remark I had made.

PAIRS.

AN EXPLANATION.

THE SPEAKER—I was asked yesterday to examine into what had been the practice in respect of pairs in this House. I cannot find that they have ever been officially recognized. I then inquired into the practice of the House of Lords and I will read what May says upon the subject :—

"A practice, similar in effect to that of voting by proxy, has for many years been resorted to in both Houses. A system known by the name of 'pairs,' enables a member to absent himself, and to agree with another member that he also shall be absented at the same time. By this mutual agreement, a vote is neutralized on each side of a question, and the relative numbers, in the division, are precisely the same as if both members were present. The division of the House into distinct particular parties facilitates this arrangement, and members pair with each other, not only upon particular questions, or for one sitting of the House, but for several weeks, or even months at a time. There can be no parliamentry recognition of this practice, although it has never been expressly condemned; and it is therefore conducted privately by individual members, or arranged by the peers or gentlemen who are entrusted by their political parties, with the office of collecting their respective forces on a division."

HON. MR. MILLER—I think it is unfortunate, however, that we have in the Parliament of Canada a practice similar to that which prevails in the Imperial Parliament. It would be desirable that a practice, which has grown by usage, there should not prevail here, because I cannot see any objection to recording pairs. Although it has grown by usage in the Imperial Parliament, being recognized by no Parliamenary rule, still it is practically carried out as if it were. I have often considered that there was a defect in our proceedings, that we have no means of recording pairs. For instance, two gentlemen entertaining opposite opinions very strongly, feel that they cannot be present at a division, but still they do not wish their names to be omitted from that division. They wish to place on record their names in support of their respective views and positions that the country may know how they vote. I think it unfortunate that we have not some decided understanding among ourselves that where members desire it the pairs might be noted on the minutes. I do not see why that could not be done. Of course it could in all cases be done in the Debates.

HON. SIR A. CAMPBELL—Yes.

HON. MR. MILLER—There might be more difficulty perhaps in getting it on the record.

HON. SIR A. CAMPBELL—I think in England the teller reports it.

HON. MR. DICKEY—As a matter of fact, we do find that these pairs are announced to the public in England, and there is no reason why they should not appear in the reports of our debates here. It is open to any member after a division to call attention to the fact that another member who might have voted, and has not done so, is present, and that at once elicits the reason for his silence. In that way only can the House, I apprehend, take any notice of pairs.

HON. MR. MILLER—But the pair does not appear on the minutes, or in the proceedings; it only appears in the reports of our debates, and the principal object in having a record would be lost.

HON. MR. WARK—The difficulty of placing members' names on record would be this; it is presumed that a man may change his mind during the debate, and it may be implied that a member was voting when really he was absent and did not hear the debate.

CANADIAN PACIFIC RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. ALLAN moved the third reading of Bill (114.) "An Act respecting the Canadian Pacific Railway Company."

The motion was agreed to, and the Bill was read the third time and passed.

MILITIA AND DEFENCE BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the whole the consideration of Bill (31), "An Act consolidating and amending the several Acts relating to the Militia and Defence of the Dominion of Canada."

HON. SIR ALEX. CAMPBELL moved the adoption of clause 64.

HON. MR. RYAN thought that the change in this clause did not at all improve it; while it gave greater freedom to the militia man while wearing his uniform, it might prove prejudicial to the service. He might go into societies which were illegal, and, if these words were left out of the clause, he would not be punishable according to the military regulations for an act which would be discreditable to his uniform. He would only be subject to the Common Civil Law. That was very undesirable: the higher the estimation in which the uniform of the service was held the better the service would be, and he would therefore move to insert the words "or whilst at any time wearing the uniform of his corps," after the words "parade of his corps."

HON. MR. ALLAN seconded the motion. There is no one feature of our militia system which we have more reason to be proud of than the admirable discipline which has been maintained, and that is owing greatly to the fact that when a man dons his uniform, he feels that he is responsible for maintaining the honor of the service as a volunteer. It would be a very great misfortune to the militia force, if the clause were passed as it now stands. He knew that he spoke the sentiments of some of the most zealous and efficient officers in Ontario, when he said that the omission of the words proposed in this amendment from the clause would be a very serious defect in the Bill. He hoped most earnestly that the Minister of Justice would accept the amendment, or at all events that the House would be disposed to adopt it.

HON. MR. KAULBACH also hoped that the Minister of Justice would accept the amendment.

HON. MR. MASSON said he would vote for the amendment. In addition to what he had said when this Bill was last before the Committee, he wished to say that under the existing law, the carrying of arms is entirely forbidden, but this Bill would allow all the volunteers attending the Dominion Rifle Association, to the number of three or four hundred, to go armed and under no control amongst a civilian population. As he had already shown, that Association is, if not a military at all events a quasi military organization, yet this Bill proposed to place them beyond military control. The existing regulations prevent volunteers in uniform from participating in party demonstrations, but under this Bill a militiaman could appear in a party procession or at illegal meetings. The Government would show a wise discretion if they would let the law remain as it is upon the Statute book.

HON. SIR ALEX. CAMPBELL called attention to the fact that the 43rd clause of the Bill prohibited volunteers from appearing in uniform except on certain specified occasions, and on those occasions they would be under martial law. If, under any other circumstances, a militiaman appears in uniform he is acting contrary to law. If he attends a meeting of a rifle association, he is not ordered to be there, it is true, but he is invited to attend, and he goes in uniform. The question is, if he goes in uniform whether he should be subject to martial law or not. The volunteers practice shooting under command of their officers, in order to accustom them to firing by word of command, and to the attitude of soldiers firing in active service. It would be better to let the clause stand until he could bring the views which had been expressed in the Senate on this subject before the Minister of Militia, and he would then be in a better position to discuss it.

HON. MR. RYAN doubted whether the 43rd clause would meet the cases which his amendment to the 64th clause was designed to cover. A man might be called out by his commanding officer and on his

way home from parade might attend some gathering where he would disgrace the Service. Under such circumstances, without this amendment, he would not be amenable to military law.

HON. SIR ALEX. CAMPBELL.—He would be if he was returning from his corps.

HON. MR. RYAN.—He might have gone home and laid aside his arms before attending the gathering.

HON. SIR ALEX. CAMPBELL—Then he ought not to have his uniform on.

The clause was allowed to stand.

HON. MR. ALMON, from the Committee, reported that they had made some progress with the Bill and asked leave to sit again.

BILLS OF EXCHANGE AND PROMISSORY NOTES, PRINCE EDWARD ISLAND, BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (T), "An Act relating to Bills of Exchange and Promissory Notes, in the Province of Prince Edward Island."

He said: This Bill proposes to enact that from and after the first day of July next after the passing of this Act, all bills of exchange and promissory notes drawn or made at any place in the Province of Prince Edward Island for the sum of forty dollars and upwards upon or in favor of any person or persons in the said Province, may, on default of the acceptance or payment thereof, be protested by a notary public; and such protest shall, in any action on such bill or note, be *prima facie* evidence of presentation and dishonor, and also of service of notice of such presentation and dishonour as stated in such protest; for which protest there shall be charged a notarial fee of fifty cents for protest and twenty-five cents for each notice.

It is introducing in Prince Edward Island what is already the law in other parts of the Dominion and is a useful provision, as it saves expenses.

HON. MR. HAYTHORNE said the Bill had only now been placed in the hands of members and he presumed that an opportunity would be afforded before the third reading to raise any objections that might be urged against it.

HON. SIR ALEX. CAMPBELL—Certainly.

The motion was agreed to and the Bill was read the second time.

DOMINION ELECTIONS ACT 1874 AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (85) "An Act to amend the Dominion Elections Act, 1874."

The motion was agreed to and the Bill was read the second time.

HON. MR. POWER—Would the hon. Minister be kind enough to explain what the 109th section is which this Bill proposes to amend.

HON. SIR ALEX. CAMPBELL—It reads as follows: "All penalties and forfeitures other than fines in cases of misdemeanor imposed by this Act, shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt or information, in any of Her Majesty's courts in the province in which the cause of action arose, having competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common gaol of the place, for any term less than two years, unless such fine and costs be sooner paid."

That section is to be amended in this Bill by adding the provision. "But no action or information for the recovery of any such penalty or forfeiture shall be commenced unless nor until the person sueing for the same shall have given good and sufficient security to the amount of fifty dollars, to indemnify the defendant for the costs occasioned by his defence, if the person sueing should be condemned to pay the same,"

HON. MR. POWER—The object of the Bill is to throw serious obstacles in the way of prosecutions for improper conduct in connection with elections, and it is true that this Bill—notwithstanding the observations of the hon. gentleman from Richmond—is open to the same objection as two or three other measures which were enacted by this House quite recently, viz: it affects a matter which should have been dealt with by the Government, and not by a private member. It is a fact that this Bill was introduced in the other House by a private member—the member for Beauce, I think. However, as this measure is rather hostile to the electoral morality of the country, I presume it will be concurred in by this House.

HON. MR. MILLER—I do not recollect having made any remarks such are indicated by the hon. gentleman from Halifax, and I think, if I had any objection to the Bill, it would have been that the sum required is too small. We all know that the class of persons likely to bring such actions would probably not be men either of much means or much character. Those actions are generally brought by parties who have very little regard for public opinion in such matters, and $50 will probably not go very far towards paying the expenses necessary to be incurred in meeting what perhaps would be purely vexatious actions, taken by men of straw. I think the amount should be $100, instead of $50. With regard to the other remark made by the hon. gentleman from Halifax, that this Bill is one which should be introduced by the Government, I do not see why it should? I would take this opportunity of stating that I do not at all agree in the doctrine which I have heard very frequently laid down in this House, that any member of the other branch of the Legislature may not introduce a Bill on any public question, no matter whether it relates to civil or criminal law. Although I readily admit that there are many questions which seem properly to fall to the care of the Government, for instance in criminal matters, yet if the Government alone had that right of independent legislation, some of the greatest reforms we have ever seen would never have been enacted. The Government is very often urged on by outside and independent effort in Parliament to take charge of important legislation, and I make these observations now because I have heard the opinion expressed here by several gentlemen that in regard to certain specified subjects of legislation, the Government were bound to take the initiatory steps. I believe that in all cases the Government must assume responsibility for any legislation which is passed by Parliament, and it would be very unfortunate if it were otherwise.

HON. MR. POWER—If the Minister will allow me, I shall call the attention of the House to some of the offences to which this amendment relates. Section 106 of the "Election Act, 1874," enacts as follows:—

"If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the the House of Commons for an electoral district, such person may, in case it has been determined on the hearing of an election petition respecting the election for such electoral district, that such person was entitled to have been returned, sue the returning officer having so wilfully delayed, neglected or refused duly to make such return of his election, in any court of record in the Province in which such electoral district is situate, and shall recover a sum of $500 together with all damages he has sustained by reason thereof, and full costs of suit, provided such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial of the petition relating to such election."

Then here is another section, 108, which says:—

"Any returning officer, deputy returning officer, election clerk or poll clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this Act, shall for each such refusal or neglect, forfeit the sum of $200 to any person sueing for the same."

HON. MR. MILLER—I understand this is only to allude to the 109th section.

HON. MR. POWER—No, but the 109th section speaks of the penalties and forfeitures imposed by this Act, and I am just pointing out, in the case of the section preceding it, cases in which the returning officer might refuse to do his duty. Supposing that the deputy returning officer, when the poll is being held, refuses to accept a voter's ballot, or to allow a duly qualified voter to vote?

HON. SIR ALEX. CAMPBELL—He could be punished for it.

HON. MR. POWER—Certainly, but you oblige that voter, before he can sue that deputy returning officer for refusing to allow him to vote, to give security for costs.

HON. SIR ALEX. CAMPBELL—If it turns out that the party was doing an improper thing, it would not be fair that the returning officer should be the loser by such an action.

HON. MR. POWER—I do not see why these offences should be made an exception to the general rule; ordinarily if a person sueing for penalties is not obliged to give security for the costs. It is not the general law; and as I said just now, this amendment is really in the way of men who are trying to enforce their rights. Every one knows that it is not a very easy thing to get people to go security for costs.

HON. MR KAULBACH—I do not look upon it that way. It seems to me those officers are very poorly paid, and they may be imposed upon by persons bringing suits; if they are not indemnified for costs it would be unreasonable to expect them to hold their positions; I think it is but fair and right that these costs should be covered.

HON. MR. MILLER—I think the case put by the hon. gentleman is a very strong one in favor of the law. As the hon. gentleman from Lunenburg has just remarked, we all know these officers are very poorly paid, receiving only two, three or four dollars a day for this work: therefore, if they were liable to any number of actions, without security for costs, you would hardly get any person to accept the office.

HON. MR. POWER—Very few such actions have been brought since 1874; that is the best answer one can give.

HON. SIR ALEX. CAMPBELL—Might we not fairly assume here that in the other House, where they have to deal with elections, and where the members suffer from the conduct which this Act is assumed to check, they know best what the evils are, and how they should be guarded against? The Returning Officer might be unfairly charged with various offences, which would materially affect their character, and it would hardly be fair to allow any person to bring an action against these officers and not oblige him, in case the charges are unjust or untrue, to pay the cost.

HON. MR. KAULBACH—There will be no trouble in finding money to indemnify, if the officer wilfully does a wrong thing.

The motion was agreed to, and the Bill was read the second time.

RECEIVER GENERAL AND MINISTER OF PUBLIC WORKS BILL.

SECOND READING.

HON. SIR A. CAMPBELL moved the second reading of Bill (94.) "An Act to amend 'An Act respecting the offices of Receiver General and Minister of Public Works,' as to the powers of the Minister of Railways and Canals."

He said: In the Act respecting the offices of Receiver General and Minister of Public Works, there was a provision requiring that in certain cases the approbation of the Minister of Public Works was required to certain improvements which were to be made, or changes contemplated in connection with the railways or canals. That was the law at the time when the canals and railways were under the charge of the Public Works, before that department was divided. Now those departments are distinct, and these matters to which, by the present law, the assent of the Minister of Public Works is required, are necessarily given over, and properly so, to the consideration of the Minister of Railways and Canals, because they relate to works in his charge, and not under the control of the Department of Public Works. This Bill is to make provision for that, so that where under former circumstances the assent of the Public Works Department was needed, the assent of the Minister of Railways shall now be required.

The motion was agreed to, and the Bill was read the second time,

PUBLIC LANDS AMENDMENT BILL.

DEBATE CONTINUED.

HON. MR. PLUMB resumed the adjourned debate on the motion for the second reading of Bill 45. "An Act further to amend, and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned." He said—: When I ceased to address the House last night, I was speaking of the advantages of the great North-West. I was induced to go into those matters at some considerable length, because I believed it was desirable that there should be, upon the floor of this House an utterance condensing, as far as possible, the information which has been constantly accumulating in regard to that great country. It is true that much of the information which I gave to the House may be in the possession of many gentlemen who have made a study of the subject. It is true also that a we cannot invent facts; we have to take them as they are, but I thought it would serve a useful purpose, to bring them together, and it was solely with the view of lending my mite, so far as I could, to the development of that noble domain, to attempt to sustain the Government in their desire to have that country rapidly settled, that I collated figures and facts at very considerable labor, and attempted to lay them properly before the Senate. It was not for the purpose of making a speech, because an address upon such a subject must necessarily be dry, and I confine myself entirely to a simple, plain and straight forward statement of the case as it stands. It may have happened that in the course of my remarks I have made use of information which is known to some members of the House who are familiar with the country, but I may say that I believe a great deal I have stated must be new, for it has been gathered from sources that have only been available to the public within the last four or five weeks, namely the condensation of the American statistics and census, and of the Canadian census, the tables of which are now just being published and laid before the country. I have also to say that I have availed myself of statements which have been made in a volume lately published by Professor Macoun, the accomplished botanist, who has done so much during his long and thorough investigation of the flora of the Northwest, to inspire public confidence in that country, and towards giving us a scientific statement of the productions of our great prairies. I will now give to the House an item which I omitted to give yesterday in speaking of the new states and territories of the United States which I think is of great interest to us, and from which we may draw an inference in regard to the mineral resources of the country which we are about to open. I hold in my hand a statement of the production of the precious metals in the states in which mining is carried on East of the crest of the Sierra Nevada. It will be found by this statement, that the total production of the precious metals in that region, to the close of the year, ended the 30th of June, 1882, published in the American Almanac for 1883, is $284,978,620. What I want to call particular attention to is this fact, that out of that amount the sum of $58,062,382, or about one-fifth of the whole, was produced in Montana, directly alongside of the Southern boundary of our North-West Territory, which, probably, has the same geological formation in its mountainous districts, and we may reasonably suppose that when investigations are made in the mountainous districts north of the 49th parallel, similar results will be obtained. The total production of the precious metals in Montana, has been in gold, $54,481,833; silver, $6,580,549. In Dakota, alongside of it, the production was $14,101.138, but Dakota, it must be remembered, is a country of a different character from Montana. The estimate for Montana in 1881 is $4,960,000 that for Dakota is $4,070,000. I think we have every reason to expect that similar results will attend the prospecting of the country which is about to be opened up by the Canadian Pacific Railway, by a pass further south through the mountains than was at first supposed, which will, in that way, probably give additional advantages to those who wish to go in and prospect for the precious metals.

With regard to the crop in Manitoba and the North-West I made some statements yesterday as to the growth of wheat. I now wish to say that according to the United States Census the average yield for ten years is shown to be:—

Minnesota 17 bushels per acre.
Massachusetts 16. "
Pennsylvania 15. "
Wisconsin 13. "
Iowa 10. "
Ohio 10. "
Illinois 8. "

The average yield in Manitoba from 1877 to 1880, as far as can be ascertained, was 26 bushels to the acre, the average weight of which, as ascertained by comparison of 56 crops, was 62½ pounds to the bushel. The heaviest wheat in the United States is, in Minnesota 65 pounds; Ohio 60, Pennsylvania 60, and in Illinois 58 pounds to the bushel; the heaviest in the Canadian North-West is 66 pounds to the bushel. The average weight of the barley in the North-West is 50 pounds to the bushel, and the yield averages 40 bushels to the acre during the period referred to by a comparison of 37 crops. In Minnesota the average is 25 bushels to the acre.

Iowa 22 bushels.
Wisconsin 20 bushels.
Ohio 19 bushels.
Indiana 19 bushels.
Illinois 17 bushels.

Throughout the North-West Territories barley is a sure crop, of the finest quality and brightest color, and the further you proceed to the North-West the plumper the berry, and the greater the yield. For malting purposes no better barley can be found in the world.

In a comparison of 51 crops of oats in the North-West the average weight per bushel was found to be 37½ pounds, the average yield is 60 bushels, and 80 bushels to the acre is not an uncommon yield, while 100 bushels to the acre have actually been raised. In the Western States the average yield of oats is, in Minnesota 37 bushels, Iowa 28, Ohio 23.

Potatoes grow luxuriantly there; they are frequently found weighing 5 pounds each, and the average of over a hundred crops showed 318 bushels to the acre.

At Hay Lake, 800 miles west of Winnipeg the white variety has been grown 17½ inches in circumference, and the purple 15½ inches. New potatoes have been dug in latitude 56 degrees 12 minutes north, on the 21st of June. Cucumbers ripen in quantities from English seed at Little Red River 58 degrees 30 minutes north latitude. At Fort Simpson, 62 degrees north latitude, melons ripen every year—when started under glass—900 miles due north of the American boundary. From Winnipeg to Peace River, points 1300 miles apart, spring commences at the same time.

Taking one year with another the first spring flowers make their appearance about April 15th. Captain Butler found anemones covering a whole hillside on the 26th of April in 56 degrees north latitude.

Red River and Peace River break up about the 15th of April. Red River closes in the first week in November and Peace River much later.

Seed time is from the middle of April to the middle of June. Wheat sowed as late as the 10th of June generally escapes the frost. On Peace River work begins April 20th. It is stated that seed can be put in with perfect safety in the autumn before the ground is closed with frost, and does not germinate until the following spring owing to the dryness of the atmosphere, and by this means the crops come to maturity much earlier. Throughout the Qu'Appelle Valley warmer soil and dryer atmosphere cause an earlier spring and harvest than in Manitoba.

On the great plains north of the Qu'Appelle Valley, from the month of July until September, Professor Macoun and his party found the ground literally covered with mushrooms, which could be gathered, to use his own expression, by the cart-load. One of these, found at Long Lake, in July, 1879, measured 30¼ inches in circumference, 2¼ inches through the centre of the cap, and weighed three pounds. He also found the giant puff-ball *(Lycoperdon)* which is a delicious and harmless, as I myself can testify, having frequently eaten it.

Strawberries are abundant at Fort Ellice on the 15th June.

At Prince Albert wheat ripened in 1879 about the middle of August.

At Clear Springs the Mennonites grow their own tobacco. The plants are four feet high, grow luxuriantly and come to full maturity.

Mr. T. H. Brown, of Poplar Point says he sows his grain as soon as the frost is out of the ground sufficiently to allow the harrow to cover the seed, having ploughed it in the fall, and has raised as good vegetables

there, with comparatively little cultivation, as he has seen raised in his native place in the County of Kent, in England, where market gardening is carried on to perfection. Professor Macoun found 96 varieties of grasses, and gives the following analysis of some of them as compared with timothy, showing that they compare favorably in flesh producing and heat producing qualities with the timothy grass so favorably known to our Ontario farmers.

VARIETIES.	Flesh-producing principle.	Fatty Matter.	Heat-producing principle.	Woody fibre and Albumen.
Timothy	11·36	3·55	53·35	31·74
Purple Wood Grass (rock, or sandy hills)	16·21	1·59	33·72	50·48
June Grass (very common)	11·54	2·86	40·69	44·91
Foil Meadow (abundant in wet places)	8·91	3·48	42·44	45·17
Fall Panie (sand hills)	5·01	1·70	47·80	45·49
Sweet Scented (very common)	14·31	4·12	41·43	40·14
Fescue (sandy soil)	12·10	3·34	40·43	44·13
Sages	86 varieties.			
Rushes	11 "			
Pea family	41 "			

Buffalo Grass passes in August to well-cured hay, fully retaining its nutritive qualities.

It has been objected in some quarters that the policy of the Government in granting large tracts of land to companies, and selling large tracts to individuals is against the true interests of the country, and it is also contended that we owe a duty to the settler by which he should be protected; and in the other House a resolution was offered on the Bill which is under discussion, providing that the lands of the North-West should be held absolutely and solely for the actual settler, and only granted to him in such quantities as he should be capable of successfully cultivating. In view of what I have stated—in view of the possibility, and the probability that the older wheat-producing countries are becoming exhausted; that the quantity per acre is steadily decreasing, it is almost certain that the great North-West, this enormous territory of at least 200,000,000 of acres which seems to be specially adapted to the culture of the plant which nothing can supply the place of, is destined to become the wheat field of the world. In view of that it seems to be a very narrow policy to insist that culture should be postponed and limited until the whole of the land can be taken up by the actual settler who is to till the soil, as it would seem, with the work of his own hands. Nothing can be more adverse to the general interest of the world than the adoption of such a policy. I contend that it should be the aim of the Government to develop the productive power of that country as rapidly as possible; and it should also be their aim that not one class alone should be permitted to go in and occupy it. By giving out large tracts of land to men of means labor can be employed, and the laborer who gets constant employment and good wages, will at no distant day become landed proprietor in his turn. It is a very narrow policy to insist that a man must have a moderate amount of capital in order to acquire lands in the Northwest. The policy which is urged by certain gentlemen is a sort of pseudo philanthrophy which will exclude the capitalist, and the laborer without means, from any participation in its advantages. I believe that the policy of the Government in granting large tracts can be fully justified. There is ample room for everybody. The homesteader or the settler has no vested right to any particular portion of the soil. The Government always have the right to withdraw, and always have adopted the policy of withdrawing from settlement any portion of those lands, and no man has a right to question that feature in the public policy. There is room enough under the provisions of the Bill now before us for the actual settler, the small homesteader; there is provision enough for all who will require lands, for almost the whole of Europe, and all those who are likely to come from the United

States, in addition to those who may emigrate from the older Provinces of the Dominion. Millions of acres are at the disposal of the settler. There is no restriction practically upon him, for the 25,000,000 of acres taken by the Pacific Railway, and the few grants that are made to colonization roads and companies, are but small items in the great whole. The railway is compelled in order to reach its lands, to build branch lines without further subsidy, which will open up the alternate sections to the settler who could not reach them without its aid, and the colonization companies are compelled to become emigration agents. The statements made by the hon. Minister of the Interior at the time the 100,000,000 acres were granted by Parliament for the purpose of developing the North-West, and building the Canadian Pacific Railway, were severely criticised by the Opposition. That gentleman stated in his estimate that the incoming population for the year 1882, would be 35,000, and that there would be 5,000 a year added from that time until 1890.

He also stated that the sales of land would reach a certain figure, and the general results in 1890 were summed up in an aggregate, which was treated with utter derision by those gentlemen who always seem inclined to take a gloomy view of the progress of the Dominion, and who, from the logic of their position, are compelled to stand in opposition to anything likely to promote the progress and development of the country. They cannot help it; they must either give up opposition, or they must take that position, for the forward movements are made by the Conservative party. Sir John Macdonald estimated that the incoming population would be 35,000 in 1882. It actually reached 58,751. For the year 1883 his estimate was 40,000; the present estimate of the Minister of Agriculture is 75,000, and it will probably be exceeded. For 1884 he estimated 45,000; the Minister of Agriculture has data upon which he estimates the incoming population, for that year, at 100,000, and we heard within the last week of the arrival of the advance guard of the emigration of this year. Three thousand immigrants were to be landed at Quebec, and I heard railway managers discussing as to how they were to draw upon their supply of rolling stock for transportation; and stating they would be compelled to go as far west as Chicago in order to bring down cars enough to transport this vast force to the Land of Promise. In his statement Sir John Macdonald estimated the number of acres of land that could be sold in the three years of 1880, 1881 and 1882 would be 5,280,000. The land actually sold down to the present time exceeds 10,000,000 acres. The revenue from the land sales for the same three years was estimated by Sir John Macdonald at $1,479,000 which was slso derided by the Opposition. The actual revenue during those years from that source, amounted to $2,634,772. In 1879 the population of Manitoba and the North-West—these are not official figures, but figures I have made up from the census returns and from other data—was 122,240. It is a moderate estimate to say that 10,000 people went in in 1880; 15,000 in 1881; we have the figures for 1882 which I have given, 58,751; and for 1883 we have the calculation of the Minister of Agriculture, 75,000, and in 1884, according to that calculation it is expected that 100,000 will be added, making the population 380,991. In the table in the previous part of my address it will be found that the population of Kansas by the census of 1870 was 364,000; that of Minnesota 439,000, and of Nebraska 123,000. Taking the increase of these States which was 1,302,000, for the succeeding ten years as a basis, the population of Manitoba and the Northwest assuming it to reach 380,991 in 1884, would reach in the same ratio in 1894—916,000. The calculations of the Rt. Hon. Leader of the Government given to the House of Commons in 1880—carried on to 1884 would give a population of 617,000. It would therefore seem that the actual growth of the three States in question exceeds that claimed by Sir John Macdonald for the Northwest in ten years by about fifty per cent. I have quoted very largely from the reports of Prof. Macoun. I consider that he has been one of the most useful of those who have been sent out to explore that country. With untiring zeal and enthusiasm, he has spent ten years of his life, almost, in this investigation. I believe as a practical botanist he has a very high

reputation. He was commissioned by Mr. Fleming in 1872 to examine the flora of the prairies between Winnipeg and Edmonton. In the same year he was sent with Mr. Charles Horetsky to explore Peace River District. In 1875 he accompanied Prof. Selwyn, as botanist, to British Columbia, thence by Peace River Pass descended Peace River to Lake Athabasca, and saw the country as far North as latitude 59; thence he journeyed East to Winnipeg—1,200 miles. In 1879 he investigated the causes of the supposed aridity of the Southern District, the results of which I have already stated. He argued from this that the rainfall was ample but could not percolate the ground as rapidly as it fell, and in the dry atmosphere was evaporated and lost, and that the apparent aridity vanished before the first labors of husbandry.

Mr. Blodgett, an eminent American authority upon climatology, speaking of the North-West says:—

"Climate is indisputably the decisive condition; and when we find the isothermal of 60 degrees for summer rising on the American plains to the 61st parallel, it is impossible to doubt the existence of favorable climates over vast areas now unoccupied. Spring opens at the same time along the immense plains from St. Paul to the Mackenzie River." He also says that the plains of the North-West and their woodland borders, have a valuable surface of fully 500,000 square miles, and it is claimed that that valuable surface certainly extends from parallel 49 on the south, to 60 on the north, and if bounded east by the 95th meridian and west by the Rocky Mountains, would contain, 667,600 square miles. But it must be remembered that vast tracts of equally fertile land which will probably be as available and profitable to the cultivator, lie north of the 60th parallel. The question is asked by some statisticians in the United States, whether the great interior of the American Continent, within American territory, will continue to contribute to the export of wheat and flour, referring particularly to Montana, Idaho, Colorado, Utah and Nevada; and Mr. Taylor, United States Counsel at Winnipeg, who has carefully studied the subject, says:—

"Let us take the most favorable of all, Montana. Grand as are its resources, I am constrained to believe that only one-thirteenth of its surface is within reach of the unavoidable conditions of irrigation. The United States Commissioner of mining statistics in 1868, said that the area of Montana was 146,689 square miles amounting to 93,881,184 acres, yet no greater proportion is claimed by the local authorities as susceptible of cultivation, than one acre in thirty, or a total of 3,346,400. The remainder, however, is valuable for grazing and sheep farming."

I may mention in connection with the general tenor of my remarks, and as an additional reason for making them, that within a short time the most virulent and unjustifiable attack has been made upon the North-West, that I ever remember to have noticed. In an English financial review a studied attack upon the whole policy of the Government, and upon the whole condition of the Northwest, the value of its lands, and particularly upon its climate, was made and circulated by tens of thousands all over Great Britain, and largely through Canada. It seemed to have been made in the interests of some parties who desired to prevent the growth and development of the North-West and the sale and settlement of its lands. It was an attack partly upon the Canadian Pacific Railway, partly upon the North-West land companies and largely upon the Government itself. That attack contained one of the most absurd statements that can be imagined. Fancy a man sitting in the foggy atmosphere of London writing, perhaps, by gas light at mid-day, surrounded by all the disagreeable odors which prevail in the business parts of that great metropolis, and talking learnedly there about the nsalubritiy of the Great North-West, where zymotic diseases are almost unknown! Fancy him saying that nobody can live in that wintry climate, when we all know that in Ontario and Quebec where the thermometer often falls to far below zero and where the climatic conditions are not more favorable, there is nothing more exhilerating or healthful than the clear, crisp, frosty air of a winter day—nothing more enjoyable. We all know that immunity from disease follows this low temperature in the North-West. We know that no more healthy children are to be found than in the counties of Huron and Bruce, where I have seen

them merrily playing and enjoying themselves out of doors when the snow was two feet deep, and the mercury ten degrees below zero, and such a climate was one of the principal arguments urged against the settler going into the North-West. Another was that there was no fuel, and in such a climate settlers would not be able to keep themselves warm. The discoveries which have been published within the last few weeks show that the underlying beds of coal in that part of the country, which is called the lignite formation, are so immense that it has been stated, and I believe authoritatively, that the farming lands which are underlaid by these coal seams will not be any more valuable because of the coal. In the Bow River, the Belly River, the Calgarry and the various parts of the country through which the Pacific Railway is to go, there are coal lands which are estimated to contain five millions of tons to the square mile of coal of the very best quality, and that seems, once for all, to settle that which was the great, and I may say (without wishing to perpetrate a joke) the burning question in regard to that country.

I had great reluctance in rising to speak again on this subject. I feared that, perhaps, at this late period of the session, I might be considered as having trespassed upon the patience and kindness of my fellow members; but I felt that it would be of service to us all to endevour, so far as I might in a feeble way, to concentrate the different items which form very largely the information which we now have upon that country, and to condense the prominent points into a compendium in the form of an address to this House which might safely be quoted as an authority; and I assure my hon. friends that I have not made a single statement which cannot be substantiated. We must feel, upon looking over the whole case, that we have indeed, as I have faintly endeavored to show, a goodly heritage, and it entails upon us the grave responsibilities which vast wealth brings with it to the possessor. We hold it from the Creator, in trust for those who are destined to go in and possess it, and we are bound faithfully to execute that trust to the best of our ability, laying aside prejudice, partizanship and all idea of personal advantage, and looking only to our country's good, to the greatest and most permanent benefit of religion, civilization and humanity. In view of such solemn and vast responsibilites, a generous acknowledgement should be awarded, and a forbearing and kindly spirit should be manifested to those upon whom they directly rest; and who I am sure it cannot be denied, are fairly and honestly endeavoring to meet those responsibilities. Their duties are arduous and laborious. and I believe the country fully approves the manner in which they have been discharged. The people have twice emphatically endorsed the policy of the leader of the Conservative party in respect to the North-West—once by anticipation, we having clearly enunciated it as one of the main issues at the polls in 1878: and the second time after full and ample discussion on the platform, in Parliament and by the press, when promise had become performance, and the great work of uniting by a band of steel the widely separate Orient and Occident limits of the Dominion, and of opening up to settlement and cultivation the vast fertile solitudes through which it takes its course was going forward more rapidly than the most sanguine calculations could have foreshadowed. Far removed and wholly free from political convulsions which agitate and threaten other parts of the world, it seems destined to be the favored centre of the oldest and most honored of all the industries—the tillage of the soil. The arts of peace can there be cultivated and can flourish without let or hindrance. Ample provision is made for all who come, and labor will there meet its full reward. We want the people of the older provinces to go there. There can be no sound objection to the healthy current of population flowing westward which has similarly coursed towards and over the prairies of the Republic. It is to the Provinces that we must look to carry thither the methods of government, the municipal organizations which are the safety, the pride, and the boast of our Dominion and of the mother country from which they are derived—the great unwritten Constitution in which

> "Freedom slowly broadens down
> From precedent to precedent."

It should be our duty and our privilege to hold fast to the liberty which we have

inherited, and to do our endeavor to hand it down unimpaired to those who are to succeed us, and through this to secure to those who may cast their lot with us the priceless blessings of law, order and security to life and property with their attendant privileges and advantages.

In conclusion, I wish to say that I believe under God there is a great destiny reserved for the coun ry which we hold in trust, and a great destiny for us of this whole Dominion also if we are true to ourselves and true to the responsibilities which rest upon us. That we may be able ourselves, and by our example teach those who may come after us to carry out those trusts and to adhere to the sound doctrine which has made us what we are, must be the dearest wish of us all.

HON. MR. GIRARD—As a representative of Manitoba, I think it my duty to take part in this debate. I have listened with great interest to the long and able speech of the hon. member from Niagara. I think it should be printed in pamphlet form and circulated extensively amongst those whose attention is being directed to Manitoba and the North-West Territories, and who are preparing to make their homes in that vast region. Naturally the remarks of an hon. gentleman occupying his position will have great weight with intending settlers.

The public lands in Manitoba are held by the Dominion Government now, but they are held in trust, and the time must come when they will be transferred to the local authorities. I hope that time is not far distant, and I know it is the desire of the Manitoba Government that this property should belong to the Province. I do not complain of the existing state of affairs, because the Dominion Government is acting with great liberality towards Manitoba.

Provision has been made from time to time for granting patents to all who wish to secure lands in that country, but I do not know that the Government appreciate the importance of giving every settler a secure title to his homestead. I daresay that the Government have done all in their power to accomplish this result, but I know there are numbers of settlers in that country who have difficulty in obtaining their patents, notwithstanding, the desire which the Government have shown to meet their wishes. I cannot urge too strongly the importance of having all these claims settled, as they have been pending for years.

I regard this Bill as a decided improvement on existing laws, and I think it will prove satisfactory to the public. It will give many settlers an opportunity of establisning their claims to the lands they occupy. I am glad to observe that a Dominion Lands Board is to be appointed to take cognizance of such claims. For some time we have endeavoured to obtain such a tribunal, but for some reason the Government did not see fit to meet our wishes. This Board, I observe, is to hold its sittings in Manitoba and it will enable many who are in trouble now about their titles to have their difficulties removed.

The clause relative to homestead rights is exceedingly liberal, and is in the right direction. If these concessions had not been made, we would have lost many settlers, who would have gone to the United States, and there obtained what they could not secure in Manitoba.

The clause relative to pre-emption rights is just and equitable. It will enable every settler not only to secure a homestead, but to have his right to pre-emption acknowledged. In reference to homesteads, I think it will be but right to extend this privilege to all those who have been living in Manitoba for a number of years whether they have been cultivating land or not. They have contributed largely to the development of tha tcountry : although many of them are professional men, or men engaged in commerce, they would find means to establish large farms, resembling the model farms in the older Provinces.

I observe a provision also to prevent the jumping of claims. Under the existing law many settlers, rather than risk the loss of their lands, have remained in their shanties all winter, and some of them have been found dead in the spring, either on account of having taken sick or run out of fuel during the severe winter months, when it was impossible to communicate with the more thickly settled portions of the country. Such incidents are to be regretted, but they could not be prevented under the existing law, and I am glad that this Bill contains clauses which will confirm settlers in the possession of their property, and prevent such unhappy occurrences in the future.

All the new clauses in the Bill, as a rule, are decided improvements upon the existing law. The Bill might perhaps be made more perfect in some respects, but on the whole it will be very acceptable to the people of Manitoba.

I am glad also to observe that provision in made for the management of school lands. They are situated at such a distance from the capital that it will be difficult for the Government to protect the timber upon them, and to prevent people settling on them. In some portions of the country settlers, finding these lands vacant, have squatted upon some lots. It seems to me that some local authority should be invested with the right to prevent that. The School Boards in our Province are composed of the most prominent citizens, and the protection of those lands could be safely confided to them. In the interests of the education of the people those lands should be withheld from settlement for some time. It will be possible at some future day to realize a large amount of money from the sale of these properties, and in the meantime no one will suffer by such a course because there is plenty of land open for settlement.

I am thankful to the Government for having introduced this Bill at a time when it was so much needed, and when there is such a large influx of settlers into the North-West. Manitoba will before long certainly contain a very large population, and if we continue to receive as much consideration in the future as we have in the past from the central Government, the Province will soon be a source of profit to the Dominion and one of the finest portions of the Confederation.

HON. MR. SUTHERLAND—I have no intention of making a speech at this hour of the session, after all that has been said on this subject, because I think it is pretty well exhausted, and I hate repetition. I merely wish to say that I am happy to give my support to the Bill. I do not apprehend that there will be any opposition to it, and therefore I do not consider it necessary to make any lengthened remarks. I believe all the amendments are in the right direction, and will give general satisfaction. No doubt as time passes some clauses will require amendment, but I think in the meantime that the Government have probably made as many concessions as it would be just to expect. There are some slight amendments that might better please some persons, perhaps, but might prove prejudicial to the interests of others: therefore I say I think that the changes are perhaps on the whole as good as can be expected and will meet with general approval. I accordingly have much pleasure in supporting the Bill.

HON. MR. REESOR—I consider the measure, as a whole, a great improvement on the old law. While it consolidates existing statutes it embraces some amendments which are certainly in the right direction. At the same time, I think there are other amendments which would be desirable.

The provision made for the husbanding of the school lands in a way that they may be made to realize the largest possible amount for the education of the future population of Manitoba and the North-west, I think is, in the main, a very good one. If it could be improved at all I think it would be by allowing the school boards of the Province to take charge of them. The next best thing has been done by providing in the Bill that no one shall have a pre-emption right to those lands by settling on them; that if they do so it shall be entirely at their risk and when the lands come to be disposed of they shall be sold to the highest bidder. I think that is a wise provision.

A good deal has been said in the press with regard to the formation of colonization companies and selling lands in considerable tracts to individuals. Some have taken the ground that no lands should be sold except to actual settlers—that all the North-West Territories should be sold subject only to actual settlement, and should be disposed of merely to the ordinary settler who can go in and take possession. I look upon that as being an exceedingly narrow view to take. I think where lands are sold to companies, with proper conditions to secure settlement, it can be wisely done, and done for the benefit of that country as well as in the interest of settlers generally. I think that wealth as well as industry, money as well as labor, should go into that country. Many will go there, perhaps, who will be unable to make proper

settlement, and in case of a failure of the crops, or a visit of the locusts, which sometimes appear in that country, they would be so poverty-stricken that they would be obliged to look to the Dominion Government for aid as they had to do a few years ago and as they still have to do at times in settlements where the great mass of the settlers are very poor, that is not a a condition of things to be desired in that extensive country with its severe winters, notwithstanding its fine summers and fertile soil. The country should be developed in a practical way; and the means of its development should go there combined, in the shape of labor and funds. We know how difficult it is, under the present system, for the settler to comply with the conditions of settlement. They appear very simple at first sight, but they are, to persons without capital, very serious. They suited the older provinces very well; they were covered with forests, and little could be done until the timber was removed. It was in the settler's interest that he should enter upon his land in the fall of the year, taking supplies with him. In the spring he could have a portion of his farm under crop, and in three months would have some return from the land. The regulations which answered very well for the settlement of a forest country have been carried into the North-West where they certainly do not work well. I see that the time is to be extended by this Bill for commencing operations. The rule is the same as in the older provinces of Canada, but an exception is made in this way, that if a settler makes his entry in the month of September he shall have till the month of June following to begin continuous residence. Now, let us see the position in which he is placed. He is obliged to buy for himself a whole year's provisions. If he goes there in the month of June, that is too late to put in any crop. He must have sufficient supplies to last during a whole year before he can have a crop. In that country there are men who make it a business to break up the land, and settlers with a little means employ them to prepare the soil for a crop. June and July are the proper months for breaking up the prairie, and in the fall it is back-set and ready for the seed. If each settler was allowed to prepare say 15 or 20 acres in this way, and then to return home to make preparations to move to his homestead the following spring, he would be there only three months before he would have a crop large enough to support his family, and he would be enabled to go on and build upon his place, and bring it nicely under cultivation. The present law works as my hon. friend on my left has stated, and this new law makes it very little better; it works in such a way as to compel a settler, for fear of losing his land, to take in perhaps a barrel of flour and two or three hundred pounds of pork to his shanty, and remain there during the whole winter in a condition of enforced idleness. He has no timber to chop down and no land to clear; he can work for no one else, he is perhaps many miles out on the prairie and it is with the greatest effort and at the risk of his life from exposure that he can manage to get sufficient fuel to keep him warm. Of course a shanty put up under those conditions is not a warm habitation: the people are exposed to be taken ill, away from any neighbors as they are, and they very often—as has been proved—have been found dead in their cabins. It is a sad and unnecessary state of things; it is entirely undesirable and wholly uncalled for. If the homesteader were allowed to hold his land by doing a certain amount of cultivation in the first instance, then when he went there to live he would have something to exist upon. He could remain during the summer, and after putting in his seed and breaking up the wild prairie, he could take in his harvest when the proper time arrived; or, if he was not rich enough to do that he could go out and work for some more wealthy neighbors until he could make a little money, when he could return to take in his harvest, and then he would have something with which to help himself. But this condition, compelling parties to live upon their places and making residence absolutely and solely the means of holding the land, does not seem to be fair. I think it is a relic of the old system that grew out of an entirely different state of things in the older provinces where we had a wooded country, where timber had to be cut and removed; yet that system still continues.

What we want in this Bill is to make some provision by which improvements could be recognized as a means of enabling

parties to hold their homesteads without being liable to have them jumped and taken by land thieves—because these land-jumpers deserve no better name. A settler should he be able to hold his homestead safely as soon as improvements are made, and I notice that in this Bill an improvement has been made in that direction. It is provided that if a party has made material improvements upon his homestead, whether he is living there or not at the time, or if he is living there and has made no improvements, his land cannot be jumped unless the party who has undertaken to jump it makes a false oath; because he is obliged to swear that there are no improvements upon the land, and he is also obliged to swear that there is no one living upon the homestead; otherwise he cannot get the homestead entry. I think the affidavit they are obliged to take under the provisions of the new Bill will effectually remedy that evil. Under the old law much wrong was done in that way, and indeed so much bad feeling was created that little organizations were being formed during the last summer and fall, and parties were determined to take the law in their own hands—to do as they have been doing in the adjoining territory of Dakota in the United States. There the law was somewhat similar, but if a land jumper came in and took away the property of a man who had made settlement improvements upon it, the surrounding settlers would go and warn the intruder to leave the place; if he refused to go on the first warning they would come again with shot guns in their hands, and the land-jumper usually took the second warning; if he did not, rather serious consequences followed. Some hon. gentlemen may have observed, during the last wo weeks, an account in the papers of two brothers having been shot and killed in their shanty in Dakota. That is not a state of affairs we want to see growing up in any part of Canada, for if there is one thing more than another that makes us proud of our country, it is that we feel that life and property are quite secure throughout the Dominion. It is desirable that that condition of things should be maintained, but it can easily be conceived that where a man loses his little all, which he has accumulated after a struggle of a year or two, through the means of a land-jumper, his feelings may run away with his better judgment, and his discretion, perhaps, has to submit to his determination to maintain his rights personally, if the Government do not maintain them for him. We want to remove that sort of thing as far as possible from this country, and to keep it away. This Bill makes considerable provision in that direction, and one that I hope will be successful, but in addition to that some means should be provided for meeting cases of the following kind, and such occurrences may frequently happen: two brothers may settle upon homesteads, or a father and son, and one of them, after making considerable improvements, may die. The Bill makes provision that where a party dies his legal representative—provided they occupy the land during the time that the party who made entry should have occupied it—can get a title to it. How could the surviving brother in such a case, who had his own homestead to occupy, also occupy the homestead of the one who died? He could not do it, and consequently, according to the literal reading of the law here, it would be forfeited. Supposing that valuable improvements had been made upon it, great wrong would thus be done, yet it would be forfeited unless the Minister of the Interior strained the law in a way that the Statute does not literally allow him to do. He could not otherwise do justice to that family, by giving them the benefit of that property on which money and labor had been expended. Now, it is not desirable that that sort of thing should continue. A very little amendment, I venture to say, of four or five lines, added to two or three of the clauses in the Bill, would provide against it. No doubt for some time a large proportion of the parties who go out and take up homesteads will do so in the manner I have indicated; they will take out provisions and will remain there six months unable to make any improvements, and after that they are obliged to go to the cities or other parts of the country—to work for railways or other parties at a distance in order to have the means to go back for the next six months; this goes on for three years, and they actually exhaust in one six months what they earn in the other, so that they are unable to make any improvements worthy of the name, and in fact do not make any. In this Act it is

not required that they should, for it merely requires that they should reside there for six months during each year, and whether they have made any improvements or not then they get their title. Now would it not be a far better and wiser thing for the country, and infinitely better for the individual, to allow him the option of making improvements that would not cost him so much time, that would be valuable? It would make the country so much more prosperous and productive, and the community so much more self-sustaining, and it would only require that the law should be made so as to give encouragement to the development and cultivation of the soil, rather than to require a man to live in a condition of enforced idleness for so many months of each year.

THE SPEAKER—They have to cultivate as well as to reside; the stipulation is for residence and cultivation.

HON. MR. REESOR—Well, I cannot find the amount of cultivation, excepting where a person resides upon a place for twelve months and he wants a title to his land; then he has to have thirty acres under cultivation. But, if he resides three periods of six months each, in three years, I do not see any provision for cultivation.

THE SPEAKER—No stated quantities, but simply residence and cultivation; it is assumed that if a man lives there three years he must cultivate a very considerable area.

HON. MR. REESOR—We may assume, I suppose, that generally it would involve a certain amount of cultivation; but experience has shown that there are a great many that have exceedingly small pieces under cultivation. If there was a stipulation by which cultivation would entitle a man to a patent, it could if necessary be enacted that to obtain a patent for 160 acres, he must have 50 to 100 under cultivation with a suitable residence and other buildings to correspond. Make that obligatory if you will, but do not shut out all provision for it, and do not make it necessary, in the case of a man's death, and where he has only one legal representative, that the latter should do what is beyond his power—for he cannot represent his own lot, and also the lot of the man to whose property he may fall heir. He cannot do it in the way required by this Bill. I would urge, therefore, that it should be sufficient if he brings 50, 60 or 100 acres under cultivation, to entitle him to obtain a patent, without compelling him to make a declaration which is untrue, viz: That he has resided so long upon the place when in reality perhaps he has not so resided. Do not make such a condition that a settler will make an affidavit as to residence, in order to save the property, when you could put in other conditions that would be fair, better for the settler, for the community and for the country, because it would all go to making the settler, and therefore the country, prosperous. Now we find practical business men taking a very different view of this subject from that held by the Government. I know that the Government has run in this groove for the last 40 or 50 years, and it is hard to get them out of it. They have become accustomed to one plan, and they think it cannot be done in a better way. The Syndicate also have taken a very different view of the matter; they are satisfied that settlers must flow in if improvements are made on the land. It cannot be otherwise; they must have settlers there. Not only that, but they must be there in sufficient force to make these improvements—to cultivate the land. But how do they do it? They sell their lands for a certain price, with a rebate of 50 per cent. of the purchase money, in many cases, on condition that the purchasers bring a certain portion under cultivation within a given time. That is a wise and proper policy, and I believe that a great many people would much prefer that system, and paying a certain sum for the land, to accepting the conditions of the Government, which are a free gift, but subject to these onerous conditions of remaining in a state of enforced idleness for six months, as happens in many cases. Of course, it may be said that they are not all obliged to do that, and some do not. I know farmers who go on with from one to three thousand dollars, and do not require to do that. They can take their horses, cattle, ploughs, &c., and supplies and materials to erect buildings, and they can take their families with them. Of course, they can do all the necessary cultivation, and can also put up the necessary buildings, besides their

residences; but take the poor man—and the poor and industrious are worthy of encouragement—when they get there they find a different state of things. It is almost impossible for them to comply with the conditions of settlement.

HON. SIR ALEX. CAMPBELL suggested that the debate should be adjourned till the House went into Committee of the Whole upon the Bill, when every hon. gentleman who desired would have an opportunity of speaking, and that in the meantime the Bill should be read the second time.

The motion was agreed to, and the Bill was read the second time.

THREE RIVERS HARBOR MASTER'S BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (121) "An Act respecting the Harbor Master of Three Rivers." He said: Parliament last session passed a Bill putting the Harbor of Three Rivers in the same position as the harbors of Montreal and Quebec. Under the old law the harbor-master was appointed by the Governor in Council, but the present harbor commissioners have appointed the same person to the office under their authority, and this Bill is to legalize that appointment and to remove certain difficulties which have arisen in connection with the matter.

The motion was agreed to, and the Bill was read the second time.

BILL INTRODUCED.

Bill (115), "An Act to consolidate and amend the several acts respecting Inland Revenue." (Hon. Sir Alex. Campbell.)

The Senate adjourned at 6 p. m.

THE SENATE.

Ottawa, Thursday, May 10th, 1883

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

GRAND TRUNK RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbors, reported Bill (113), "An Act to authorise the Grand Trunk Railway Company of Canada to extend their traffic arrangement with the North Shore Railway Company to 50 years from the date thereof," without any amendment.

He said he had a communication to make to the House with respect to the report but he would now move the third reading of the Bill.

HON. MR. DEBOUCHERVILLE—It would be better to allow the third reading to stand over until to-morrow until this report is printed so that the House may know what has taken place in the Committee. The hon. gentleman has also intimated that he has another report to make to the House in connection with it.

HON. MR. VIDAL—I intimated that I had another communication to make to the House with respect to this matter. In the Committee some of the members requested that the minutes of the proceedings of that Committee should be reported to the House. There was no special motion directing me to do so, and I have no authority to guide me as to the action I should take but I undertook to look into the matter, and if I found it was proper for me to do so I would bring in a report of those proceedings. In looking into the matter I find, in the first place, that in the whole history of this Senate there has been no report of the proceedings of any private bill committee other than such as has now been presented to the House—that there is no instance on record of the proceedings in a standing committee having been reported to the House. These minutes are upon record

in the offices of the Clerk of Committees and can at all reasonable times be seen by any Senator who is desirous of having reference to them and making extracts. I find that three times in the history of our country, before Confederation, such reports from the Private Bills Committee were made to the Lower House, and twice since, but in every instance it was where evidence was taken and where facts were brought out in such evidence that it was thought desirable to submit to the House that such a report was presented. It has occurred to me while looking into the authorities on this point that it would be very undesirable that I should assume the responsibility of reporting the Proceedings of the Committee to the House without being very plainly directed to do so by the Committee; and I thought it would be a better plan to submit the question to the House and let them decide whether the Minutes of the Proceedings of the Committee shall be appended to the report which is now submitted, or not.

HON. MR. DEBOUCHERVILLE—I have very little to say in answer to what has fallen from the hon. gentleman. The motion was made in Committee, but not in writing, and it was understood that the Chairman would inquire what the practise has been, and even the name of Mr. Todd, who is known to be a high authority on parliamentary questions, was mentioned; he was to be asked for his opinion.

HON. MR. VIDAL—I did ask him.

HON. MR. DEBOUCHERVILLE—Although it is the strict rule that all motions shall be put in writing, it was not done in this case, but I may say that a vote would have been taken in the Committee if this agreement had not been come to. I think the proper way to settle the question is to let the Speaker give a dicision. It is true there are not many cases in which such reports have been made to the House, but it does not follow, if nobody asks for such a report that the rule does not exist. When we have no rule here, the well understood practice is to follow the usage of the House of Lords, and I would refer hon. gentlemen to May, page 380 of the edition of 1863, for a precedent. Now, in this case, it is important that the House should know what has taken place in the Committee. Committees do not resolve anything; they are simply named to inquire into a particular thing, because the House as a whole cannot do so. A matter is referred to a committee and the committee make a report upon it; it seems to me to be only just that the House should know what has taken place when there is a difference of opinion in Committee: when there is no difference of opinion, of course the third reading can take place when the bill is reported to the House. In this instance there was a serious difference of opinion and demands were made for more light on the question.

HON. SIR ALEX. CAMPBELL—This is a matter which should not be lightly decided. It is a novel proposition and there is no saying what such a precedent, if allowed, might lead to in the future. Supposing a discussion takes place before a committee which, peradventure, may be prejudicial to the Bill, or which may prejudicially affect those concerned—as for instance the Bill we had a few sessions ago about establishing electric telegraph companies—it might, if reported to the House, prove injurious to those persons who were anxious to raise the stock and start the company. I can quite understand that when evidence is taken before the committee it should be submitted to the House, but I do not see how the Senate can derive advantage from knowing the divisions or proceedings which took place in the committee; and I can readily fancy circumstances which might have occurred there which it might not be desirable, if the Bill should become law, in the interests of those concerned to have reported to the House. I think it would be safer not to depart from the ordinary practice of the House which is, as has been stated by the hon. gentleman who introduced the matter, not to report the discussions in committee: if it is to be done in one case it may be done in any case when it is asked for. What a detention that might be to the public business! Any member who is dissatisfied with the decision of the committe might ask that the discussions and proceedings be all reported to the House. Of course hon. gentlemen can, if they see fit, raise the discussions here that have taken place there. So far as one can form a judgment

at first sight, it would not be wise to depart form what has been the custom of the House in the past, but if the hon. gentlemen are dissatisfied with the decision of the committee, they can raise the question and discuss it a second time in the Senate.

HON. MR. MILLER—The question is a very important one, and, as the Minister of Justice says, should not be decided hastily. It has been our practice hitherto not to report the peoceedings of standing committees to the House. Of course we have some select committees—it is a case of that kind that has been cited—which are appointed to consider matters specially referred to them, and instructed by the House to report proceedings—as in the case of a divorce bill. That is referred to a select Committee, and we have, according to our rules, made it obligatory on the committee to report the evidence, without, however, reporting the divisions. Now, custom should go, with us, a long way. It has been the uninterrupted custom of this Parliament, so long as I have been a member of it, not to report the proceedings of standing committees to the House. As the hon. Minister says, if we make this application a precedent, it will prove a serious obstruction to the business of the Senate. I readily admit that if a majority of the committee desire the proceedings to be reported to the House, it is competent for them in the committee to say so; but in the absence of any such report as that I do not see what we have to do with the matter. The question resolves itself into this; shall it be hereafter our practice to receive reports of Standing Committees, stating what has taken place at their meetings, if asked by any member thereof? If however it should be considered desirable on any occasion to depart from our custom, it can be done in two ways: First, by instructions to the Committee from the House, and second. by action of the Committee itself. The case is so clear and the rule which prevails is so wise that I do not think it is desirable to lay down another which might hereafter cause trouble. My hon. friend (Mr. Debouchervilie) has cited a case showing the practice of the House of Lords. I admit that in cases not provided for in our rules we are guided by the practice of the House of Lords but I doubt very much whether this is an unprovided for case. We are only thrown upon the rules of the House of Lords in cases where we have failed to make any rule ourselves. Now, we have specifically made rules relating to the Standing and Select Committees. If we had not made any rules on the subject, the rules of the House of Lords might be invoked to decide the question. The 97th rule of this House is as follows:

"On all reports made from committees of amendments to Bills, the Senator presenting the report is to explain to the Senate the effect of each amendment."

Not that he shall report the evidence or divisions. It explicitly states here what the chairman is bound to report, and unless he has an express direction from the House of Commons to do otherwise, I do not think it is competent for him to depart from the rule. If we admit the claim made by the hon. member for Montarville, any gentleman will see that it will have an important bearing on the business of the House hereafter. It might be as well to allow the report to come up in the usual form for consideration tomorrow, and on that occasion my hon. friend can move, if he wishes, that the report be referred to committee, with instructions to report the proceedings and divisions of the committee to the Senate. Then the sense of the House might be obtained on this particular question, without laying down a rule, which I think would prove an obstruction to our proceedings.

HON. MR. BELLEROSE—I intended to make observations to the same effect as those which we have heard from the hon. member for Richmond, with the exception of the last one, with which I cannot agree. The custom of the House of Lords is as the hon. gentleman has stated, but that has not been the practice in Canada since 1841, as far as I can remember. In old Canada, and since Confederation our practice has been, except in the case of election committees (which are no longer necessary) and divorce committees, to report only results; but in some instances, where a motion to that effect has been adopted in the Committee, all the proceedings have been reported to the House.

That has been the practice and I consider it a wise one. I do not agree with the hon. gentleman who suggests that in this case we should let the matter stand until to-morrow and that the hon. member from Montarville should then move that the question be referred back to the Committee with instructions to report the whole of the proceedings. The hon. member from Montarville has alleged, and it has not been contradicted, that a motion, though not submitted in writing, was made in the Committee and unanimously approved. Under the circumstances, therefore, the chairman of the Committee ought to have reported the whole of the proceedings. If the hon. gentleman is mistaken on this point, then he has no ground for his objection and the chairman of the Committee has taken the only course that he could follow. It is for those two gentlemen to show which of them is right.

HON. MR. OGILVIE—I deny *in toto* that the Committee or even a majority of the Committee favored the proposition.

HON. MR. VIDAL—If I had only been as prompt in rising to my feet as some hon. gentlemen are, I might have saved this discussion by explaining the exact state of affairs alluded to by the hon. member from Montarville. I was far from referring to the slight informality of a motion not being in writing; that was not in my mind at all. I say that in no sense was it a motion: it was a suggestion which was made. If there had been a motion there would have been a decision and some record of it on our minutes. It was regarded by me as a request, with which I was perfectly willing to comply if I could see my way to do so without violating the rules of the House. It was only when I discovered that there was no precedent for it that I, being inexperienced in such matters came to the conclusion that the question should be decided by the Senate.

HON. MR. DEBOUCHERVILLE—I think the hon. member for Delanaudiere has not stated the case as I put it myself. I said that although it was not put in writing it was understood by the Committtee that our Chairman was to consult the authorities as to what should be done, and act accordingly.

HON. MR. VIDAL—That is what I have done.

HON. MR. DEBOUCHERVILLE—As the hon. member has brought the matter before the Senate, I think I have pursued the best course in asking the Speaker for his decision on the question. As the Chairman has not decided it, the appeal must now be to the Speaker.

HON. MR. VIDAL—While I do not wish to lie under the imputation of having evaded any portion of my responsibility as chairman of the Committee, I do not consider that it is my place to decide a question of such importance as this. I did not think the hon. gentleman from Montarville would be satisfied if I simply made the suual report; I referred to this question in order to meet his views as far as I could do so with propriety. I think his proposal is an excellent one. The very object in bringing the matter before the Senate is to get an authoritative decision.

HON. MR. KAULBACH—It has been suggested to refer this report back to Committee, but such a course would involve delay and might be disadvantageous at this period of the session. I fail to see that any injurious result would follow from reporting the proceedings of the Committee to the House. There was but one opinion in the Committee, that if the proceedings could be reported to the House the Chairman should do so if there was any precedent for it. I cannot see how this House can be seized of the facts or form a complete judgment upon them without having the proceedings of the Committee before them. Although this is not the usual course, it is probably because we have not had many cases in which it was desirous to have the proceedings reported; but where it is desirous, and where even a minority of the Committee consider it advisable that the proceedings should be before the House, in my opinion they should be reported.

HON. MR. POWER—I do not think the fact that it has not been the practice to report to the House the proceedings of a committee, is a substantial reason why an exception should not now be made. The members of this House have the privilege of entering in a book their pro-

tests against the passing of any measure by this House. That is a privilege which is very rarely exercised; still that does not deprive members of the right to do so. It is clearly in the interest of an intelligent discussion of this Bill, that the proceedings in committee should be before the House, and it is much better to have an official record than to have the individual recollections of members of what took place in the committee. It will be seen from this debate, that the recollection of members differs as to what took place in the Committee. My recollection of it is that though there was no regular motion adopted there was a concurrence of opinion that if the Chairman had the right, under the practice of Parliament, to make this report to the House he should do so, and it seems to me that the precedent quoted to the House by the hon. gentleman from Montarville clearly shows that we have the right, and the 97th rule of our House, quoted by the hon. gentleman from Richmond, does not at all conflict with that right.

HON. MR. HOWLAN—As I understand it, the chairman had no instructions from the committee to report otherwise in this case than he would in that of an ordinary bill. If a resolution had been passed in committee, giving him such instruction, then he would have the right to report the proeeedings, but even in that case he could not report without special permission from the House, as he was not the chairman of a special committee, but of one of the ordinary committees of the House. The rule is clearly laid down by May. In this case the rule laid down by the hon. member from Richmond is perfectly correct, and the only course for us to pursue now is that pointed out by him. The chairman is powerless to act in accordance with the views of the hon. gentleman from Montarville, and the only course left open is to refer it to the Committee.

HON. SIR ALEX. CAMPBELL—If the hon. gentleman from Montarville is desirous of pressing this point in order to obtain the sense of the House on the question, let him move that the Bill be referred back to committee.

HON. MR. DEBOUCHERVILLE—My motion is that the Speaker decide the question.

HON. SIR ALEX. CAMPBELL—This is an important matter on which a member of the House desires to have a ruling, and if the hon. gentlemnn from Montarville will make a motion it will be seen what is the sense of the House.

HON. MR. DEBOUCHERVILLE—There is a rule I think which says that we can ask for the decision of the Speaker, and in that case it is the duty of the Speaker to give his ruling. I do not expect that the Speaker would give his decision immediately but after looking into precedents, his decision, if it is accepted by the House, shall be the rule. For my part I am willing to submit to the ruling of the Speaker.

HON. SIR ALEX. CAMPBELL—It is only when the House asks for it, that the Speaker is called upon to give his ruling. As this concerns the practice of the House in a very important degree, it might be desirable to have the House decide the question.

HON. MR. KAULBACH—The question is this, whether it would be considered as a precedent to govern this House on all occasions. I would be very sorry to take a vote on this particular Bill and make it a precedent for our future guidance. The point is whether it would be considered as an abstract question, the ruling of which would govern the House on all occasions.

HON. MR. DEBOUCHERVILLE—I would like any hon. member to point out how the Speaker is to decide this question unless he is asked to do so by one of the members rising in his place. One member must ask for the ruling of the Speaker, and I ask it. I thought the hon. Chairman of the Committee agreed entirely with my motion to refer it to the Speaker.

HON. MR. VIDAL—I am perfectly willing that the question shall be decided by the Speaker or by the House, so that it is decided.

HON. MR. DEBOUCHERVILLE—I think the Speaker is in a better position to decide this question after consulting some

of the able officers of this House than hon. members can be by taking a vote on it without having an opportunity of looking up the authorities.

HON. MR. MILLER—What is the question before the House now?

THE SPEAKER—If the question is referred to me I should like to understand precisely what the reference is. As the matter is now presented to the House it seems to me to stand in this way. I am asked for a decision upon the proceedings which took place before the Committee, which proceedings are not before this House.

HON. MR. DEBOUCHERVILLE—They are before the House.

THE SPEAKER—The report of the Committee is before the House and has been accepted by the House; but the further proceedings, that the hon. gentleman refers to, do not seem to have ever taken the form of a resolution before the Committee, and it is impossible for me to pronounce upon the question. I am quite willing to do anything the House asks me to do, but it is necessary that I should understand what I am expected and required to do.

HON. MR. DEBOUCHERVILLE—The decision I ask for, is this: The Chairman of the Committee having been asked in the Committee—it does not matter whether by the minority or the majority—to report the proceedings of the Committee to the House, is it according to the rule or practice of this House that those proceedings, motions, amendments and divisions in Committee should be reported to the House and printed in our journals?

HON. MR. VIDAL—I should like to say a word or two as to the rules and proceedings of the House of Lords being our guide in cases unprovided for by the rules of this House. I am of opinion that the procedure of the House of Lords does not apply to this case, because the procedure in both Houses of Parliament in England is entirely different from ours from beginning to end. The committees both in the House of Commons and in the House of Lords report everything. It is not like our report; they report not only their decisions but their opinions, the evidence and every motion that is made there—in fact they report the minutes of the meeting. The practice in this country is directly the reverse of that, and I hold that the practice which has been followed here for 16 years without any objection, and without any attempt to change it, becomes a very thoroughly established rule for our guidance—as much so as if it were in black and white upon our books. Does the hon. gentleman from Montarville mean to say that the procedure of the House of Lords should annul the course we have followed, without objection, or inconvenience for so long a period? I think there is very little weight to be attached to the practice of the House of Lords in this respect because the procedure is entirely different. The question for the House to decide is, are we to introduce a custom that will undoubtedly lead to serious and inconvenient results when any member on a committee taking umbrage at something that transpired in the Committee and anxious it may be, to get some peculiar notions of his own incorporated in our journals, to encumber our reports with such motions and proceedings? That would be exceedingly inconvenient and very improper. It must be remembered that in the Old Country the report of the Committee does not find a place in the journals; it is simply recorded that the report was presented, whereas the report itself is to be found in another volume like our sessional papers. If that was the case here I could see some propriety in the contention of the hon. gentleman from Montarville that those proceedings should be reported to the House.

HON. MR. HOWLAN—I beg to dissent *in toto* from the doctrine laid down by the hon. gentleman from Sarnia, that because we have followed a certain procedure for 16 years, it has become the rule. We might have pursued an irregular mode of procedure for 16 years, but that would not necessarily make it the rule of the House. There is a course by which gentlemen in the minority on the committee can get their views placed on the journals of the House. It was followed, a few sessions ago, in the case of a

cable telegraph company's bill; there was a strong expression of opinion, by a minority of the committee, against the course pursued by the committee, and they very properly drew up a brief report, setting forth the reasons why they dissented, and that report is on record in our journals. Before the third reading of the Bill, they can give notice of certain reasons for opposing the Bill, and those reasons can go as their protest upon the journals of the House.

HON. MR. DICKEY—It is admitted on all sides, that we are governed in our procedure by our own rules, and it is only in cases unprovided for by our rules that we must follow the practice of the House of Lords. Our rules point out the course that is to be taken on all those Committees, Select and Standing, and it is also admitted, I think, that there is no rule which requires that proceedings before a Committee should be reported except in certain exceptional cases which prove the rule itself. For example, the hon. gentleman from Richmond points to a rule where amendments are made in Com- and it is the duty of the chairman to report those amendments. Why? Because they are adopted by the majority of the committee. The chairman of the Committee on Private Bills has well stated the rule, that it has been the invariable practice of the Committee only to report the results of what took place before it, and it would be highly inconvenient if the Committee should be obliged to report its proceedings to the House on the demand of any member of the Committee. The exception proves the general rule that Committees are not called upon to report their proceedings, but only to report the results arrived at, except in such cases as are particulalry mentioned—the one referred to by my hon. friend from Rich mond, where there are amendments, and the other in the Select Committee to whom is referred the question of divorce. But there is no injustice done here which calls for a change in the practice which we have followed for 16 years and I take this ground for the following reasons: that it is perfectly open for any hon. gentleman to make in the House, if he likes, the same motion that he made in committee, and after that is overruled—or whether it is overruled or not—it is open to him to put his opinion upon record, in the shape of a protest; so that there is no injustice. I think we should be opening the door to a very serious inconvenience if we were to alter the practice. It is not required by any rule of our own, although our rules do specify what is to be done by committee, and therefore we are not to revert to the rules of the House of Lords, as in a case unprovided for; that is the manner in which it presents itself to my mind.

HON. MR. MILLER—Besides the one I have already mentioned there is another rule in our book which still more expressly bears upon the case. It is the 67th rule, showing that we have by our own rule, as it were, superseded those of the House of Lords as applicable to these cases. Of course where we have not made rules of our own, those of the House of Lords are not superseded.

HON. SIR ALEX. CAMPBELL.—As the hon. gentleman from Montarville will not accept the suggestion I ventured to offer, and as there is no question before the House, I think the proper way is to pass on to the next item in the business before us.

HON. MR. DEBOUCHERVILLE—I made a motion that the Speaker decide the question as to whether the chairman of the committee should report the proceedings of the committee or not.

HON. SIR ALEX. CAMPBELL—I did not understand the hon. gentleman to make a motion, and if he did, no one seconded it.

HON. MR. DEBOUCHERVILLE—I now make the motion that the Speaker decide whether the proceedings of the Committee should be reported to the House, and printed in our journals, or not.

THE SPEAKER—Perhaps the hon. gentleman from Montarville will state whether I correctly understand what he means. I understand him to ask if the proceedings of this Committee should be reported. If they are to be reported in the way that he desires, as a matter of course it will be under the general rule of this House, or, in the absence of a rule of

this House, it will be under the application of one of the rules of the House of Lords. Do I understand that the hon. gentleman wishes me to say whether there is a rule of this House that requires a committee to report all the proceedings before them, and if I find there is no rule of this House repuiring that, that I am then to examine and to say whether there is a rule of the House of Lords that requires it to be done?

HON. MR. DEBOUCHERVILLE—I will repeat exactly what took place. I moved in the Committee that the proceedings of that Committee should be printed, then, after a general conversation, it was agreed that the Chairman should decide; the Chairman not having decided and having brought the question before the House, it is taken out of his hands. I consider that our Chairman now is his Honor the Speaker, and I ask the Speaker to give his decision if, according to the rules and practice of Parliament, in this case the proceedings of the Committee should be reported and printed in our Journals.

HON. SIR ALEX. CAMPBELL—It seems to me there is no terminating this discussion except by the Speaker putting this question to the House—whether or not we ask the Speaker for a decision.

HON. MR. POWER—I think this is a very important thing and it should be set right. I have never known a case in the Senate where a resolution of the House was put asking for the Speaker's decision. I think the more correct course would be for the hon. gentleman for Montarville to move that the proceedings of the Committee be printed in the Journals of the House.

HON. SIR ALEX. CAMPBELL—He has declined to do that.

HON. MR. POWER—That strikes me as being the proper course; then some other hon. gentleman may oppose that proceeding on the ground that it is out of order, and contrary to our rule, to so print the proceedings. That would then be the question for the Speaker to decide, whether it is out of order or not. If the hon. gentleman from Montarville does not object, I shall move that the minutes of the Standing Committee on Railways, Telegraphs and Harbors, in respect to the Bill authorising the extension of the Grand Trunk Railway traffic arrangement with the North Shore Railway Company be printed in the minutes of the Senate.

THE SPEAKER—I am anxious to meet the wishes of the House, but I do not see that I can very well rule, unless there is some proceeding before me. The proceedings of the Commons are not before this House, but simply a conversation which has taken place across the floor of the Senate, between the chairman of the committee, and the hon. gentleman from Montarville.

HON. MR. SMITH—Take a vote on the hon. gentleman's motion, whether it shall be referred to the Speaker or not.

HON. SIR ALEX. CAMPBELL—We must either do that, or else go on to the next item.

THE SPEAKER—I put the motion of the hon. gentleman—

HON. MR. SCOTT before the motion is put I would just say a word. I supported certain amendments before the committee, but I would certainly not support the proposition now made, because it is in such a confused state that it would be unfair to ask the Speaker to decide a very delicate question, unless with the fullest information reduced to writing.

HON. MR. MASSON—I regret that the hon. gentleman from Montarville has not accepted the proposition made by the leader of the Government in this House, to obtain a decision whether the report of the committee, with the amendments that were offered, should be reported to this House. Now the House has finally decided that matter, and why uselessly delay the public business by such a refusal? I would seriously ask the hon. gentleman to waive the objection he has made, so that we may have an end to this question.

HON. MR. CARVELL—As a member of the Committee, and as having been present when this matter was dealt with before that Committee, I do not think

that justice has quite been done, so far, to the Chairman of the Committee. The hon. gentleman from Montarville has stated, substantially, what took place there, but I think the way in which it was put was not calculated to convey exactly a correct idea. As I understand it, the case is as follows: The hon. gentleman from Montarville made an informal motion that the minutes of the meeting should be printed and sent to the House. That resulted in a discussion by the committee generally, and it was finally left with the understanding that the chairman, if he found it in keeping with the rules and usages of Parliament, should accept these suggestions of the hon. gentleman from Montarville. The chairman of the committee has not found it so; he has made his report accordingly, and at the same time has stated to the House: "here are the minutes of the meeting." Now what further report could the chairman of the committee make than to bring with him the minutes of the meeting?

HON. Mr. PLUMB—There was no proposition that he should make a special reference of it.

HON. MR. DEBOUCHERVILLE—It seems to me that the House is against this motion of mine; therefore, I ask permission to withdraw it.

The motion was withdrawn.

HON. MR. POWER gave notice that he would move an amendment to the Bill at the third reading.

DOMINION ELECTIONS ACT 1874 AMENDMENT BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (85) "An Act to amend 'The Dominion Elections Act, 1874.'"

The motion was agreed to, and the Bill was read the third time and passed without debate.

RECEIVER GENERAL AND MINISTER OF PUBLIC WORKS ACT, AMENDMENT BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (94) "An Act to amend 'An Act respecting the offices of Receiver General and Minister of Public Works' as to the powers of the Minister of Railways and Canals.".

Thd motion was agreed to, and the Bill was read the third time and pcssed.

MILITIA AND DEFENCE CONSOLIDATION AND AMENDMENT BILL.

THIRD READING.

The Senate resolved itself into Committee of the Whole on Bill (31), "An Act consolidating and amending the several Acts relating to the Militia and Defence of the Dominion of Canada."

In the Committee.

HON. SIR ALEX. CAMPBELL said: When the Committee rose yesterday they had agreed to all the clauses of the Bill except the 64th. To that clause an amendment has been proposed by the hon. gentleman from Victoria, seconded by the hon. gentleman from York, to the effect that the following words be added to that clause "and also at any time while wearing the uniform of his corps." I am ready to acquiesce in that amendment.

HON. MR. ALMON, from the Committee, reported the Bill with an amend ment.

HON. SIR ALEX. CAMPBELL moved that the amendment be concurred in.

HON. MR. DICKEY—Of course if the hon. Minister of Justice accepted the amendment it will be no use saying anything in opposition to it, but it seems to me that the clause as it stood was sufficiently comprehensive to answer all the purposes of military discipline and therefore did not require the incorporation of so sweeping an amendment. I think that that clause in connection with the 43rd

gave all the control that was required over persons in uniform.

HON. SIR ALEX. CAMPBELL—My hon. friend from Mille Iles argued very strongly the other day, that it did not.

HON. MR. DICKEY——That hon. member no doubt knows a great deal more about the subject than I do, but it strikes me that reading the two clauses together they afford quite sufficient protection against breaches of discipline, and the amendment gives an unnecessary amount of control over the men, who might be compelled to wear their uniform always.

HON. MR. MASSON—I do not agree with the hon. member in his views. The clause does not provide that the men shall be compelled to wear their uniform, but that in certain cases, such as when going to drill, and so forth, they shall be under the control of their officers. It was provided in the original Bill that when volunteers were going to the meetings of the Dominion Rifle Association, for instance, although they would have their uniform on and would be provided with ammunition and everything else, they should not be amenable to military law. Consequently if a number of these men were misbehaving themselves, and an officer should come along he would not have the least control over them, and they could laugh at his orders, and such a state of things is entirely subversive of military discipline. It is important that every person wearing Her Majesty's uniform should be respectful to his superior officer on all occasions. It is not to be permitted any longer that a soldier if reproved by an officer for misconduct may turn around and tell him that it was none of his business.

The motion was agreed to, and the amendment was concurred in.

HON. SIR ALEX. CAMPBELL moved that the Bill be read the third time.

HON. MR. ALEXANDER—I would just claim the permission of the House to add a few remarks to those made by me upon a former occasion. I wish to call the attention of the House to some observations in a letter in one of our public journals from Lieutenant-Colonel Robert H. Davis, of the 37th Haldimand Rifles, in reference to the pay of our militia force. I do this, because I do not think that the members of both Houses, and the members of the Government, are sufficiently aware of the mistake they are making in paying the men so small an amount as 50 cents per day. I will just read about a dozen lines, in order to give the views of this Lieutenant-Colonel, and also his statement of a conversation which he had with one of the Brigade-Majors in his own neighborhood.

HON. MR. KAULBACH—If the hon. gentleman does that it will bring on a long discussion. We have already passed the Bill.

HON. MR. ALEXANDER—I am not doing this for the purpose of inviting discussion, or of making any opposition to the Bill, but simply to lay before Parliament certain information which may be of use next year. The first portion I wish to read is as follows :

"Every member in the House who expressed an opinion for or against Mr. Caron's Bill, acknowledged the necessity of more inducements being given to the men, and of annual instead of biennial drill, conceding the point that it was as unfair and unreasonable to expect men to leave their business or run the risk of losing their situations for 50 cents. a day, as it was to hope that 10 days in camp every second year would give them any knowledge of drill or discipline, rifle shooting, guard, picket, or out-post duty. It is all very fine to say that "the pay is no object for the men who turn out for drill : " general experience is opposed to such statements. The laborer is worthy of his hire, and no man works harder nowadays than the volunteer when on duty, and no laborer receives such poor compensation—so that if these gentlemen, in Ottawa, believed their own arguments, and maintained the necessity of more pay and more drill, the Government would have been compelled to come into the labor mart for its militia, as well as for its other employes, and given the men what they are worth and what they ought to get." Again he says : "I met a brigade major a few days ago, upon his inspection visit, and asked how he found militia matters in his district. He said the arms and stores

were in fair enough order, but every officer he has spoken with had about given up the hope of being able to obtain men for this year's drill, and that unless the Government came to their assistance in some way they could not recruit their companies. This state of things cannot be denied, and what can officers do but resort to the begging and bribery above alluded to. It is very wrong and very unfair to volunteer officers to perpetuate such a system."

I merely read this as a confirmation of the views I advanced the other day, and because I think the Government and Parliament are making a great mistake in offering 50 cents a day, when it ought at least to be a dollar a day.

HON. MR. KAULBACH—That certainly differs from the experience of the late Minister of Militia, and also our experience in the Lower Provinces, viz., that more men applied to be drilled than the Government could afford to pay.

The motion was agreed to, and the Bill was read the third time and passed.

DOMINION LANDS BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (45), "An Act further to amend and consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned."

HON. SIR ALEX. CAMPBELL—It was understood that in moving that the Bill be referred to a Committee of the Whole House, the hon. gentleman opposite (Hon. Mr. Reesor) who, I believe, had not finished his remarks when the second reading was carried should continue his speech before ths Speaker leaves the chair.

HON. MR. REESOR—In referring to this measure when it was last under discussion I expressed very fully my approval of its general provisions relating to the survey of the country, the management of school lands, and the encouragement of settlement. My objection was that no provision was made by which poor settlers could procure homesteads. When we take into account the very large number of settlers who are going into that country now in a single year and the time that they necessarily spend in idleness in order to hold their homesteads, I think it is well for us to consider whether the law could not be amended so as to enable the settler to make that time beneficial to himself and productive to the country. As I have explained, under the present law the settler must within six months after making his entry on a homestead commence actual residence thereon, and that during each year for three years he shall reside upon the homestead at least six months. At first sight this plan seems quite simple and proper but when you consider the difficulties which beset the poor settler it is seen to be almost impossible for him to comply with these conditions. The time is extended by this Bill to nine months in certain cases so that the settler entering on his homestead during the month of September will not have to commence continuous residence until the month of June following. Supposing he does not go there until June it is too late to put in a crop for that year, and it will be 16 months before he could get any return from the land. It is far more expensive to live in that country than in the older provinces, owing to the distance from sources of supply, and the difficulty of providing shelter for the winter. I am assured by gentlemen who have recently come from that country, and it only confirms what I have observed there myself, that 50 per cent. of the settlers get their homesteads in this way—they will perhaps earn enough of money in 6 months to enable them to procure sufficient provisions to keep them through the winter, and they spend the winter months upon the homestead in idleness because they cannot do any work during that season of the year. When spring comes they are obliged to go out and work again, and in another 6 months they have to return to the same condition of enforced idleness upon the homestead. The next spring the same thing occurs, and thus during 3 years very little improvements are made upon the property while one-half the time is spent in enforced idleness To people coming from the Old World it seems an easy matter to get 160 acres of land on such conditions, but I contend

that the conditions are exceedingly onerous. It is no advantage to the country to have these men unemployed for one-half the year, and consuming what they have earned the other half. It would be far better to allow them to make some improvements, but not to demand actual residence as a condition of settlement. They would thus be enabled to earn something from their more wealthy neighbors and to cultivate a large portion of their own land. With the permission of the House I will read a short extract on this subject, from a newspaper published in Manitoba. The writer refers to the Bill which I introduced some time ago, but which I withdrew because I understood at that time, that the Government had introduced a measure which embodied in it the same principle, and that the Manitoba representatives on both sides of the other House had spoken favorably of it. The extract from the Winnipeg paper is as follows :

"Homesteading, as we have pointed out again and again, is so expensive under the present system as to be practically beyond the reach of any but the well-to-do. The poor man has but small opportunity of acquiring land for his own use, except after the most arduous struggles and at the constant risk of losing his all through the operations of some unscrupulous 'claim jumper,' while the speculator is not impeded in the acquisition of homesteads for speculative purposes, while not making any adequate return to the country therefor.

A system such as Senator Reesor's Bill provides, would obviate all this. Speculation would not be any more extensively carried on than at present, and would be turned into useful channels. The speculator would be compelled to cultivate and improve his land to a considerable extent, thus making the country more attractive to others, besides contributing to its material wealth. To the poor man, however, would the chief benefits of the proposed changes accrue. He would no longer be compelled to forego all thought of obtaining a homestead, if unwilling to spend three years on his land in poverty, aggravated by enforced idleness, and the inability to purchase necessary farming implements and machinery, with which to better his condition. Instead of this, all would be able, if they so wished, to obtain homesteads. Much more of the country would be cultivated. Its wealth would be considerably augmented by releasing from unprofitable confinement a large amount of valuable labor. The better class of English farmers, who prefer to purchase improved land, would be attracted. Poor men, who now come here as laborers, leaving as soon as their employment ceases, would be induced to remain if there was a chance of their making a home for themselves and bringing their families to join them.

Everything is to be gained and nothing lost by permitting cultivation and improvement as alternatives for residence. It is, therefore, to be hoped that members of both Houses, who have the interests of this country at heart, will give that attention to Senator Reesor's bill which it merits, and thus overcome the greatest defect in the Government's Land Act.

Judging from the influx of settlers into that country last year, it is probable that at least 5,000 of them are living in enforced idleness on their homesteads, consuming the provisions purchased with their earnings last summer. It is very undesirable in a new country, where labor is scarce, that so large a proportion of the population should be prevented from engaging in useful employment. The amendment which I propose would release those men from enforced idleness, and not only improve their own condition, but increase the wealth and prosperity of the community, and indirectly of the whole Dominion. They would earn more ; they would produce more upon their farms, and would thus be enabled to consume more dutiable goods, and thus contribute largely to the public revenue. I hope the Government will yet consent to an amendment of this character. I am satisfied it might have been made in the other Chamber, had not the question very foolishly been given a political turn by which, when a motion was made to improve the Bill, it was combined with a general condemnation of the policy of the Government. Of course, the Government could not accept the amendment under such circumstances. I am satisfied if the Government will adopt my suggestion that the amendment will be accepted by the other branch of Parliament. It would be an immense boon to the country, and would save, I venture to say, in three years, by releasing settlers from enforced ideness, a million dollars at least. Of course, I refer particularly to that class who have no means to settle at once upon their homesteads, but who, nevertheless, make useful settlers. We are paying a great deal to promote immigration, but we should give our own people the same advantages that are afforded

to settlers from abroad. A whole year is given to the European immigrant to enter upon his homestead, but the Canadian settler is allowed but nine months under any circumstances. Now, one good feature that might be introduced would be the principle adopted by some colonization companies. They allow the settler to go in there in the month of June (a very convenient season) and they are satisfied if he breaks up twenty acres the first year. He need not remain there any longer than is necessary to do that. The prairie, when broken and back-set, is in a proper condition for cultivation the following spring. Those companies take a practical view of the question. They make cultivation the condition of settlement. In the spring the settler puts the land, broken the preceding season, under crop and in four months he has his first return from it. During the winter months, instead of wasting his time upon his homestead, he has been earning money elsewhere to enable him to make his improvements. Instead of asking the settler to make affidavit that he has lived six months of each year, for three years, upon his land, he is asked "have you brought so many acres under cultivation?" I suggest that this principle should be adopted by the Government, and that the settler be required to bring, say 50 acres under cultivation. Under the existing law, and under this Bill, at the end of three years, he need not have more than one acre under crop; so long as he has spent six months of each year upon the homestead he is entitled to his patent.

The Mennonites have not been compelled to remain npon their farms; they reside in villages and are only required to cultivate a certain proportion of their land. The result has been that they have made rapid progress, and they have not abused the privilege which they have enjoyed. It is argued that such an amendment as I propose, would tend to encourage speculation. It would be better buy a lot from the Syndicate or from the Government, or from some land company, if the object were land speculation; but it could not be speculation, for those who take homesteads intending to settle upon them themselves, or to secure them for their relatives or friends because it involves considerable expense and privation in the first place, to get possession.

Hon. Mr. HOWLAN—I do not wish to detain the House at this late period of the session, but I cannot allow a Bill of this importance to pass without expressing my satisfaction at the very great care and attention that must have been bestowed upon this subject by the Government. It is the more pleasing to me as no doubt it is to other hon. gentlemen in this House who in 1880, and 1881 gave their vote and support to a measure then originated by the Government for the development of the North-West Territory. At that time very many gentlemen holding views contrary to those entertained by the Government, went so far as to state on the floor of this House that the whole North-West scheme was a humbug, beyond the reach of any Government to grapple with, and not only the Government themselves, but those who supported their policy, were guilty of mid-summer madness. Since that time events which are well known to all of us, have fully justified the far seeing policy of the Government, and have convinced not only their supporters, but those who are opposed to the Government that their policy was one dictated by wisdom prudence and patriotism. I remember very well the first discussion that I heard in this House on that great question, and I must confess that my mind, so far as any knowledge with regard to the great North-West at that time was concerned, was like a blank sheet of paper. I remember hearing on that occasion what I considered to be the somewhat absurd statement of my hon. friend from St. Boniface that Winnipeg was destined to be the great gateway of the Dominion. I remember that subsequently the convincing array of facts laid before the House by that hon. gentleman, went a long way towards changing my views with respect to the resources of our western domain, and the practicability of our Canadian Pacific Railway scheme. I must do my hon. friend the justice to say that the predictions he made on that occasion and the views he has since enunciated in this House as to the great future of that country have been consistently maintained by him, and now every thinking man in this Dominion, and every thinking man outside of the Dominion has become convinced that our great North-West is worthy of the high estimate he then placed upon it. Going back to 1872 I remember

distinctly reading in the public press that £300,000 sterling was the price agreed upon to be paid by the Government for the North-West Territories to the Hudson Bay Company, and that at that time the gentlemen who negotiated that purchase were severely criticised for the course they had taken. The purchase money did not amount to more than half a cent per acre, but it was then looked upon as one of the maddest schemes ever entered upon by any Government. Those who were in Parliament at that time will remember the circumstances and the startling incidents that subsequently occurred. There was in the minds of the public of Canada a feeling that the Government had undertaken too much, that it was almost an impossibility that 4,000,000 of people should undertake and carry out successfully a scheme of such magnitude without placing on the backs of the older provinces of the Confederation a greater burden that the people could carry; and those who, like myself, are in middle life supposed that we would never live to see the day when circumstances would justify us in giving our support to a policy which at that time was looked upon as hopeless. Therefore I say it was with some forebodings we saw the faith, the honor and credit of the country pledged to carry out the terms on which British Columbia was induced to enter the Confederation. Hon. gentlemen will remember the many expedients suggested to appease that province for her disappointment, because of the failure to carry out the terms of the agreement within the time limited by the Act of Parliament. It will be remembered the numerous delegations that were appointed to confer with the Government on this question and the great uneasiness that was felt in the public mind—in fact the men were denounced on the public platforms, in the press and on the floor of Parliament, who, for one moment, dared to assert that the country was capable of carrying out the terms with British Columbia, and leave the Dominion in a position to meet her financial obligations. It has been found, however, that the far-seeing and patriotic policy pursued since then by the Government, has established confidence throughout the country. A great many supporters of the Government trembled for the honor and safety of the country in view of the facts known in 1881; it was considered to be almost an impossibility, that the Government could successfully grapple with this great question and I consider that it was one of the greatest feats of statesmanship that Canada has ever seen; that the honor and credit of the country remains unimpaired, while we are in a position to carry out our obligations in good faith, without unduly adding to the burden of the people. It is a matter of gratification to me, as I have no doubt it is to other hon. gentlemen, to find that while Canada has been enabled to carry out her own obligations, she has also been able to tender the right hand of fellowship to the struggling thousands of Europe, and offer them free homesteads for themselves and their families, on Canadian soil under the protection of the British flag. We find that within the last few years most favorable impressions in relation to our North-West have prevailed throughout Europe, and we see to-day thousands of emigrants arriving at our ports and finding their way to our Western country. Coming from the small Province of Prince Edward Island and having had for some portion of my life something to do in the settlement of a difficult land question there, it appears to me almost like one of the tales of the Arabian Nights or the wonders of Aladdin's lamp that 200,000,000 of acres of the finest and most fertile lands on the face of the earth are open to-day for settlement, free to all who wish to make them their home. I say it is a pleasure and a gratification to every Canadian, no matter what shade of politics he belongs to, to find that we are enabled to carry on the ordinary business of this country and at the same time to build some 3000 miles of a railway, and to tender to every man, for the asking, a homestead of 160 acres of the finest land in the world. All that we require him to do is simply to take possession, make it his home and cultivate the soil. The Government deserve every credit for the success of their policy, and for the diligence, prudence, and wisdom that have given us this measure that is now before us for discussion. I do not think I have ever read anything in my life with greater pleasure than I have read this Bill. With this 160 acres of land is given every guarantee that possibly can be given to every head of a family who becomes the possessor. Not only does that guarantee

extend to his homestead but provision is made in town plots for schools, markets, public squares, public buildings, benevolent institutions and everything that is necessary for the convenience and welfare of a new, prosperous and progressive Above all there is a guarantee to to everyone who leaves the older countries to find a home in the far West that on that 200,000,000 of acres of land every man can worship God without let or hindrance, according to the dictates of His own conscience. Not only is that the law of the land now, but it is guaranteed for the future. There is also a guarantee for the education of the people who settle in that new country. We find in this Bill that in every township, certain sections are set apart to form a fund for the support of public schools for all time to come. When other men take our places in this Parliament and other views may prevail on other matters, the question of education is put beyond all doubt, or dispute in our great North-West. There can be no difficulty there, for the lands when sold—will be sold for the benefit of the schools, and all moneys arising from such sales will be placed in the treasury of this country in trust, and will be payable to the Governments of each province as they may be formed in the North-West, as a fund for educational purposes. That, I think, is one of the most pleasing features of this Bill. There are other features also that could only have been arrived at after long and careful consideration. In the first place a board of inspectors or managers of the land in the North-West has been established. It is not necessary for an emigrant who wishes to secure land, that he should come to Ottawa. He goes out to where his homestead is. He is not put to the expense of travelling to the seat of Government to obtain information from the Minister of Interior—all the information necessary will be furnished at Winnipeg. If any difficulty or dispute arises as to his land he does not have to come to Otttawa to settle it; such matters will be settled for him by the Board of Inspectors, without the expense and trouble of having to appeal directly to the Department. Another interesting feature of the Bill is the provision with regard to the Indian title. The Indians of the Canadian Northwest are treated as they should be, and not as they are treated by our neighbors across the border. Here we find that in no case can their lands be bartered away for any particular purpose without the Indian title being fully satisfied, so that no difficulties can arise on that score hereafter—no massacres of whites, no ordering out of troops, no disturbing telegrams from time to time announcing the massacre of a settlement here, the burning of a village there, or an encounter with the Indians somewhere else. Then there is another provision that is worthy of our attention. Those who remember the struggle that took place for the establishment of constitutional government in that country will notice with pleasure that the volunteers who proceeded there from the older Provinces, in the interests of law and order have been granted a certain amount of land as a recognition of their services and their devotion to their country. I have reference to the officers and soldiers of the 1st, or Ontario, and the second, or Quebec Battalion of Rifles then stationed in Manitoba during the Red River troubles. I see it is provided that 640 acres is the largest amount of land that can be held from the Government by one individual, and no land can be sold by the Government for less than one dollar per acre. Town plots cannot be given away; they may be sold at private sale or at public auction at an upset price, and the Government have very properly joined with the railway companies in selecting these particular towns. In the older Provinces of the Dominion no person under 21 years of age is permitted to pre-empt, land; under this Bill any young man of 18 years can pre-empt for himself, so that a settler with two or three sons is enabled to acquire lands for his boys in the vicinity of his own homestead where they can be of mutual assistance to each other. I find also that the privilege of pre-emption is extended to women over the age of 18. This is a very important provision, and no doubt it is a privilege that will be taken advantage of by many young women who desire to become owners of land in their own right. Not long ago a statement appeared in the press, that a certain young lady had taken up land under this clause, and had made a respectable sum of money out of her venture. I have no doubt that this privilege will have the same effect

in inducing farmers' daughters to settle near the homestead, that it will have on the farmers' sons. Mineral lands are not given away in any of those cases. They come under a separate jurisdiction and a separate code of laws—a different class of property. I find also that the Government have it in their power under this Bill, to settle bodies of emigrants in communities. Many people coming from Scotland, England or Ireland, would like to settle in colonies by themselves. Previous to the introduction of this Bill, it was almost impossible for them to do so, unless they bought from companies holding large tracts of land. Another important feature of this Bill is, the moment a man gets his 160 acres of land, he has got a property which he may pledge as security for assistance towards making improvements. Under this provision the merchant can credit him for his provisions, his plough or other implements or necessaries that he may require in commencing his settlement, but before he can get his patent from the Government, he has to satisfy the Department that he has paid off all those incumbrances, and in that way the merchant is secured for his advances. Under this provision any person who brings out emigrants from the old country for settlement on lands, and advances the money for supplies, seed and necessary buildings, has the first claim on the land, and this claim must be satisfied before the settler can get his patent. Then I find another wise provision by which the Minister may allot wood and hay lands in quantities of not less than ten acres, and not more than 20 acres to each settler. This is a very important provision, as it is a great advantage to the settler to be able to secure a reserve for fuel and building purposes. I do not desire to impose upon the patience of the House, but I may say this, that when Canada for the Canadians and protection to home industries is our policy, with free homes and free education; and when we see the people from other countries flocking to our shores, and seeking homes in the Canadian North-West, we ought to feel it our pride and our pleasure that we have been aiding and sustaining a Government that has taken such paternal care of the Dominion, and so promoted its welfare and progress, that all over the world the name of Canada is the synonym of hospitality and freedom. Here every man, irrespective of race, creed or nationality, finds a hearty welcome, and the lands are free to all; that alone is sufficient to make any man feel proud of being a Canadian. We have heard a great deal in the public press of late of the dangers of our being blown up with dynamite by Irishmen. Why should they blow us up? Who are they going to blow up? Their own friends who passed resolutions of condolence and sympathy with them in Parliament? Those who are prepared to meet them at the very threshold of the country with a welcome, and with offers of free schools, free lands, and equal privileges with those enjoyed by all classes of the Dominion? While we have been extending the right hand of fellowship to the nations of the world, and welcoming emigrants to our shores, it is a matter of fact that throughout the Dominion we have prospered in the highest acceptation of the word. I have heard it stated, since I came here, that Prince Edward Island is not prosperous: but if we consult the newspapers of the day, we will find announcements of large shipments, and the undertaking of large enterprises, that to me are evidence of a prosperous condition of affairs in that Province. Yet with all this prosperity, and all this hospitality, we still have an overflowing revenue and we have been able to meet our engagements. It would seem almost as if an all wise Providence has given us that great prosperity for the continuation of the boundless hospitality which we now offer to the world; a prosperity which I hope will always remain with us.

HON. MR. KAULBACH—I am not going to prolong the discussion, as I know the House would would rather that nothing more should be said upon this matter, but I must refer to the remarks made by the hon. gentleman at the upper end of this Chamber (Mr. Reesor). I do not think it is in the interests of this country that his contention with regard to settlement should be placed in this Bill. I believe his view is antagonistic to the interests of the people whose claims he is advocating. As to the condition of enforced idleness referred to by that hon. gentleman, it appears to me that the settler, whether he be rich or poor, need

not lose his homestead; he can remain upon it for 6 months of every year, and during the rest of the time he can be employed in making money wherewith to improve his land. If that hon. gentleman's suggestion should be introduced into this Bill the effect would be that men with money would be antagonistic to the real settlers; a man would require only to have money in his pocket with which to employ others, and he could take up large tracts of that country, make certain improvements upon them, and then sell them at a large profit.

HON. SIR ALEX CAMPBELL—I hope the hon. gentleman will pardon me for interrupting him, but would it not be better that the Bill should be discussed in Committee?

HON. MR. KAULBACH—I shall say very little more, as the hon, Minister evidently feels that we should go into committee on the Bill. I must say, however, that I am glad to find that we have such a great country, and that the land is so valuable as it has been proved to be by the hon. gentleman from Niagara. Only a few years ago that land was looked upon as being hardly worth the expense of a survey, and its value as a means of constructing a railroad was not even thought of; in fact it was rather thought we should have to pay people for going to that country, and it was considered folly to tax the Maritime Provinces for the construction of that railway. To-day all men feel that the dark shadow that at one time clouded the prospects of the North-West, has entirely passed away, and it is universally conceded that the North-West is really a great country. The hon. gentleman from Niagara has shewn that even in comparison with Nebraska, Kansas and Missouri, the great grain States of the West, we far exceed them both in the quantity and quality of our wheat. That hon. gentleman has also referred to the fact that though our season in Manitoba and the Northwest is shorter, yet our days are a few hours longer, and we have almost an equal amount of sunshine, and therefore the crops are more invigorated and more rapidly matured; thus making up, to a large extent, for what is lost in the shortness of the season. It has been shewn that our wheat, barley, vegetables and fruit, all compare favorably in quality, and are more productive than in the great states to which I have referred. Fuel was supposed to be the great want in the Northwest, but day after day it is being more clearly proved that there are inexhaustible quantities of coal in that region; not only sufficient for domestic purposes, but enough to drive the motive power of all the industries of the world. It may truly be said that it is also the granary of this country. It has been proved that the flora of the North-West for a distance of nearly 1000 miles, north of the 49th parallel is of the same description; shewing that the climatic conditions throughout that vast area change but very slightly. I feel that almost every one who listened to the speech delivered by the hon. gentleman from Niagara, and noted the great amount of industry which it evidenced in the compilation of the facts and figures which he laid before this Chamber, must feel gratified that there has been contributed to the fund of information in regard to that country so valuable an addition. That speech will give much additional information to the intending settler, and to others, as to the great advantages of the North-West; it will dispel the doubts which perhaps now exist in the minds of some who may be thinking of coming to our shores, and will give a great impetus to the settlement of that country. I sincerely hope that the Government will not do anything that would result in putting the settler in competition with capital; the moneyed man can always find opportunities for speculation, and it is our duty to see that the poor settler who may go in there, shall be protected in every way in the direction of securing his homestead. We must not say to the intending settler, "you can go there without money and take up a certain acreage, but you will have to pass it over to some more fortunate man who will make money out of it." Men of means will, no doubt, go in there, and they are very desirable in any new country; they will go there as settlers, and much of the money which they necessarily must expend will go into the pockets of their poorer neighbors, so that capital and labor will both be benefited. I should, however, be very sorry if anything should be inserted in this Bill which would make the moneyed interests in that great country antagonistic to the honest settler.

HON. MR. HAYTHORNE—I would ask to make a few remarks upon this Bill before the motion is put. I hope that the anticipations which have been expressed in such glowing colors by the hon. gentleman opposite, (Mr. Howlan) from Prince Edward Island, will turn out to be a reallity; I trust that this Bill which is now under discussion may be far more acceptable to the people of the North-West than some others which have preceded it. I must say, however, that from communications which I have had from travellers in that region, from what I have gathered in the press, and from other sources, I have formed rather a different idea as to the great degree of satisfaction which has been given there by the management of the North-West under the present Government. I have been given to understand that a very vast amount of dis-satisfaction has been excited there by that management, and that grave complaints have arisen in consequence of the non-adjustment, or adjustment at remote dates, of the claims of settlers. Now, these are things which, if they be true, (and I believe they are), must certainly tend to discourage settlers and emigrants; It is to be hoped that the present Bill will obviate those difficulties which have been experienced in the past. With regard to the quality of the land in the North-West, I hope that everything which has been stated in this House and in the blue books and other sources, will prove to have been well founded. I believe the soil is of a very excellent quality, and that the fine climate there causes the wheat to mature over a vast region; but there are some other things that the settler requires besides the land and the climate. It is all very well for the Government to offer the inducement of a homestead of 160 acres to the settlers from Europe or elsewhere, but that is not all he requires. He wants a great many other things before he can put that land to any useful purpose. In the North-West, more than in Old Canada, the settlert depend almost exclusively upon implements and cattle to cultivate those lands. As it is well known, in the so called woodland region the new settler requires very few and simple tools; but in the North-West he must have numerous and expensive implements. He must have ploughs for the prairie, and ploughs for the stubble; he must have mowing machines and several other machines which it is not necessary to recapitulate here. I have therefore a strong conviction that it would be in the interest of the Government, and would tend to the promotion of emigration to that country, if all those articles which are so essential to the welfare of the settler should be introduced on the easiest terms possible. The policy of the Government however, appears to be to make all these implements, which are so essential to the success of the settlers, as dear as possible; to make them so dear in fact, that there shall be no competition through the importation of articles of the same character from the United States If the Government expect the North-West to prove a great success and to become attractive to European and other emigrants, it is not necessary to give that region a start for one year only; the system adopted must be a permanent one, or at any rate one for a numbers of years. Emigrants coming here from the older countries generally leave numerous friends and relations behind them, and those relations naturally look for reports from these settlers in our country. If the settler finds that our land is good, that the laws and regulations of our country are equitable and liberal, that the necessary farming implements are not only cheap but good, and that the taxes are low, he will so represent the facts to his friends in the older land that we may reasonably expect there will be emigration to our shores, not for one or two, but for a series of years; that emigration will continue and that our land in the North-West will be filled up by practical settlers, just such men as we all desire to see go there. But it appears to me that the system about to be adopted in that country with regard to implements which must be used by every settler, has a great tendency to counteract the advantages of a free homestead of 160 acres which we offer him. I should be glad if it were possible for the Government, even at this late date, to reconsider this matter, and not only to reduce the duty on implements, but also to enable the settlers to bring their partly used implements into this country under less onerous regulations They, at all events, should be admitted free, and in fact all settlers, effects which have been in use for a short time, or even new ones, in my humble opinion it would be judicious to admit them all free of

duty. I do not wish to detain the House, but I thought it necessary to call attention to these points.

HON. MR. HOWLAN—Settlers effects are free now under the tariff.

HON. MR. HAYTHORNE—Only if they have been in use for six months before being brought into this country.

The House then resolved itself into Committee of the Whole for the consideration of the Bill.

In the Committee, on the 1st clause,

THE SPEAKER said: Before this clause is adopted, I just wish to say that if time permitted I would have said a few words in reply to the hon. gentlemen on the other side of the House both from Saint Boniface and from Toronto. However, I shall reply to them as we come to the clauses to which they specially referred in their speeches. It is very gratifying to the Government to have the Bill on this matter so favorably received as it has been both by this House and by the other branch of Parliament, and also by all those who are best acquainted with the affairs of the Northwest.

The clause was adopted.

HON. MR. VIDAL, from the Committee reported that they had made some progress with the Bill and asked leave to sit again to-morrow.

HARBOUR MASTER, THREE RIVERS BILL.

THIRD READING

The House resolved itself into a Committee of the Whole on Bill (121), "An Act respecting the Harbour Master of the Harbour of Three Rivers."

HON. MR. MONTGOMERY from the committee reported the Bill without any amendment.

HON. SIR ALEX. CAMPBELL, moved that the Bill be read the third time.

The motion was agreed to and the Bill read the third time and passed.

INLAND REVENUE ACTS CONSOLIDATED BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (115) "An Act to consolidate and amend the several Acts respecting the Inland Revenue." He said; There is no new principle involved in this Bill; its purpose is simply the better collection of the revenue, and I do not apprehend that there is any desire for discussion upon the second reading. Any observations that any hon members may wish to make can be made in Committee when the details can be fully discussed. With this understanding I think that the House will have no objection to my moving the second reading now, and postponing any discussion upon it until it comes up in Committee.

HON. MR. DEVER—I intend to make some observations upon the principle of the Bill, to which I am in some degree opposed, but as it is so nearly six o'clock, I will not offer any opposition now, but allow the Bill to pass its second reading.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 6 p. m.

THE SENATE.

Ottawa, Friday, May 11th, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PRINCE EDWARD ISLAND RAILWAY ACCIDENTS.

MOTION.

HON. MR. HAYTHORNE moved:—

"That an humble Address be presented to His Excellency the Governor General, praying His Excellency will cause to be laid before this House, a copy of the judgment lately delivered in the Supreme Court, in the appeal case of the Queen *vs.* McLeod, and of the

Queen *vs.* Stewart; also, of the opinions, if any, expressed by the dissenting Judges, Fournier J. and Henry J."

He said: In making this motion it is necessary to explain some of the circumstances which gave rise to it. In 1873 when Prince Edward Island came into the Confederation, part of the terms o Union was that the Dominion Government shonld assume the Prince Edward Island Railway, which was then under contract, with its debt, and also maintain and operate it. Of course there can be no two opinions as to the meaning of those words, "maintain and operate." The Government took the road upon those terms, and for many years they did maintain and operate it safely. Unhappily an accident occurred—a serious one. I am not going into the details or circumstances attending that accident, it is sufficient to say that it happened, and it was the subject of an action against the Government by the parties who were injured through it. That action was, in the first place, decided against the Government and damages were awarded to the plaintiff. Against that decision the Government appealed, and after a delay of not less than two years and a half, the Supreme Court reversed the decision of the court below. It is not my intention to criticise the judgment of the court, but my object is to call attention to the future relations which the people of Prince Edward Island and other individuals will occupy on that railway towards the Government, in case they should receive injury owing to defective management or any other cause that may bring about an accident on that road. If they have no right of action against the Government for injuries sustained by them on that road it seems to me they occupy an unfortunate position; not only unfortunate for them but also for the Government, for I do say that the Privy Council should not be the sole judges as to whether they ought or ought not to give compensation for injuries received on their Railway. I was not present when the decision was given in the Supreme Court, and I know little more of it than what I have seen in the daily press. The law points that interfere with the decision with the court below amount to this that the antiquated idea that the Queen can do no wrong still holds in our statute book. I very much regret that it does. It seems to me that the day for such a plea as this has passed long ago, and that in our time something more tangible should be taken on which to base a decision of the court than such an antiquated plea as that. The grace and favor of the Crown, to which the Chief Justice alluded, I think is not a very proper thing to be administered by the Government, and it is with a view to elicit from the Minister of Justice a statement as to what in future will be the course which the Government shall pursue, if unfortunately such accidents should occur, that I have made this motion.

HON. SIR ALEX. CAMPBELL—There is no objection to the address but the papers that are asked for will be published in the usual course by the authority of the Court, so that substantially there is no occasion for this motion as the House will have the reports as soon as they are published and sooner perhaps than the Government would get them if the address should pass. With reference to the future action of the Government in connection with such matters, I cannot express any definite conclusion at which we have arrived. The matter has been under discussion and the probabilities are that some proposition will be made to Parliament in the other House before the adjournment, having a bearing upon the claims of those persons who have now been defeated in the action which they have brought against the Government. The principle on which that action was decided, the Government think it safer to maintain and adhere to. In reference to such matters as arose in this case and similar accidents, they desire to be placed in a position to deal with each case by the grace of the Crown and to endeavor in that way to do justice to the parties who may suffer. Everyone knows that such is the tendency of juries that the Crown has a very indifferent chance, in cases of this kind, if they go before juries. At the same time, there is a disposition on the part of the Government to endeavor as far as they can to do justice themselves in any cases which may arise of the character of that which the hon. gentleman has in view in making this motion. I am in hopes and believe that before Parliament rises a proposition will be made which will enable the Government to deal with the persons who have brought these actions.

HON. MR. POWER—I am rather surprised that the Minister of Justice should take these matters out of the hands of the court, and that the Government should deal with them as a Government. The suitors in the case brought before the House in this motion, were dealt with by the Exchequer Court. There was no jury in the case al all, and it seems to me that the Judges of the Supreme Court of Canada are better qualified to try cases of that description than the Governor in-Council. It would be more convenient for the Government to allow those cases to be tried by the Judges of the Supreme Court than to undertake themselves to settle them. It would be a vey serious matter to the persons to whom the accidents occurred to be obliged to come to Ottawa to press their claims before the Governor-in-Council where their success might depend as much, perhaps, upon the amount of judicious influence they were able to bring to bear as upon the justice of their claims.

HON. MR. PLUMB—Hera! hear!

HON. MR. POWER—The hon. gentleman from Niagara knows how it is himself, and I am glad to see that he appreciates the point.

HON. MR. PLUMB—I appreciate everything said by the hon. gentleman from Halifax.

HON. MR. POWER—I am glad to learn that the hon. gentleman possesses so much discrimination. I think the Exchequer Court of the Dominion is the proper tribunal in which to try those cases. It is not in the interest of the Government that they should be called upon to decide whether a given case is a meritorious one or not, and it is not in the interest of suitors that they should be obliged to press their claims before the Governor-in-Council. The Government took upon themselves to settle certain claims in connection with the Intercolonial Railway, not for loss of life, but for loss supposed to be sustained on contracts by the contractors. The Government took them out of the hands of the Exchequer Court, and in some cases the result was that the Government paid very much larger sums than the Judges would have awarded.

HON. MR. MILLER—How does the hon. gentleman know that the arbitrators award a much larger sum that the judges would have awarded?

HON. MR. POWER—In a case where the judge had already made his decision the arbitrators awarded a great deal more.

HON. MR. MILLER—It must have been on an althogether different state of facts and evidence. The cases which have been brought to the notice of the House by the hon. gentleman from Charlottetown, I believe are cases which will deserve the favor and grace of the crown. I have had the opportunity of making myself acquainted to some extent with the facts in one or two of those cases, one particularly, which I believe is a very hard one indeed. The individual who has been maimed for life has by the result of the law suit lost whatever little property he had accumulated during his life. That has been swept away by the costs resulting from the unfortunate termination of the suit which he brought in the Exchequer Court. Even if the costs were not enforced against him by the Crown, his own might be heavy enough to produce the consequences which I have mentioned. The difficulty is, and there is a great deal of force in what has been said by the Minister of Justice (though there is a great deal to be said on the other side) that under certain principles of law the Crown cannot be made amenable as a common carrier. Now, it may be asked why this should be so? There are several reasons. Among others a common carrier generally exercises his vocation for personal profit. In this country, where the Crown acts as a common carrier, it is not for purposes of profit, but for the convenience of the public and the development of the country and its resources, and is in a different position altogether from ordinary common carriers. Therefore there is good ground why the principles which are applicable to common carriers should not apply to the Crown. On the other hand the Government of the day—I speak not of this Government because I have not such a very low opinion of the uprightness and integrity of governments as the hon. gentlemen from Halifax seems to have, but I contend that any Government would, in

99 cases out of 100 when such claims as these are brought to the notice of the Privy Council—I care not what party may be in power—extend to them the most careful consideration and impartial judgment. Without disparaging at all the Exchequer Court, which is a very suitable tribunal to which to refer cases when a legal case of action exists, I do not know that you can get a much better tribunal than the Privy Council for these cases. I am glad to understand that the cases from Prince Edward's Island are to be dealt with by the Government, as I believe they are well worthy to receive favorable consideration.

HON. MR. VIDAL—Does the hon. member from Halifax mean to say that the persons whose cases are at present before the House, judgment having gone against them, are not to receive any help or compensation at all?

HON. MR. POWER—Not at all.

HON. MR. VIDAL—That seems to me to be the necessary conclusion that one must come to from his remarks.

HON. MR. POWER—No, the hon. gentleman has completely misapprehended my meaning. The matter was referred to Judge Henry, presiding in the Exchequer Court in Prince Edward Island, who gave a decision in favor of the claimants for a considerable amount. I think the Government ought to have been satisfied with that, but they appealed to the Supreme Court, and there the decision was reversed.

HON. MR. MILLER—Then the hon. gentleman leaves himself in this position—the Judge of the Exchequer Court having rendered a decision which the Government considered contrary to law, the Minister of Justice should have submitted to that decision.

HON. MR. HAYTHORNE—I abstained altogether from going into the details, but since allusion has been made to them, I must say from what fell from the Hon. Minister of Justice, that any Court established in the way of an arbitration court by the Government, would be the very reverse of satisfactory to people injured as these gentlemen have been.

HON. SIR ALEX. CAMPBELL—I did not say that any arbitration courts would be established.

HON. MR. HAYTHORNE—I am now arguing against the submission of cases such as these to any courts but the common courts of the country.

HON. SIR ALEX. CAMPBELL—I did not suggest that they would; I said that they would be submitted to the Crown, not to a Court.

HON. MR. HAYTHORNE—Then I will not read the extract which I have in my hand, showing the evil of submitting cases of this kind to courts of arbitration. It must, I think, be obvious to everybody, that these persons ought to have a short and easy remedy within their reach. Allusion has been made by the hon. member from Richmond, to the great costs which those injured persons had sustained, and I believe that what he has said is quite within the mark. He did not make any allusion to the other costs which that injured person had been obliged to sustain—the loss of his time, surgical expense, the pain he suffered, the grief of his family and the anxiety which was felt for months when he hung between life and death—all these things, of course, should be considered by the court in giving judgment. I have no doubt they were considered. I am not finding fault with the Government for appealing against the judgment of the Exchequer Court. They probably felt that the damages awarded were excessive, and if that was their opinion, they were right in appealing; but it is very poor encouragement for people travelling on a government road if they can find no remedy for injuries which they may sustain. The hon. member from Richmond says the principle that the Crown can do no wrong should apply, because the Crown does not carry passengers for profit. That may or may not be the case: I believe the Crown does carry for profit on the Intercolonial Railway and will do so on the Prince Edward Island Railway if it can. Therefore there is no force in that argument. The Minister's statement is not quite so clear as I

would wish it to be, but still it is a statement of some sort.

HON. MR. KAULBACH—Apart from the amount of damages awarded by the Exchequer Court, I think the Government did right to appeal the case in order that a final decision might be obtained which would govern future cases. It was important that the Government should know whether they should be liable as common carriers. I believe that the Government will, in all such cases, do substantial justice to every person who has sustained injuries.

HON. MR. SCOTT—I am glad to learn that the Government propose to favorably consider those claims, though they do not intimate the extent to which damages will be awarded. I, myself, feel that where the Government undertake to run a railway they ought to be very much in the same position as common carriers. I do not recognize the fine distinction that some gentlemen are disposed to draw. The principle that the Crown can do no wrong. would be a very serious one, if we permitted it to interfere, in a variety of ways. It is only of recent years that petition of right has been established in this country. Where a subject has a claim against the Crown for damages sustained directly or indirectly through the negligence of its servants, it is but right that the whole of the people should bear the cost. It seems such a just and equitable principle that I am sure it is universally recognised.

HON. MR. HAYTHORNE asked leave to withdraw his motion.

The motion was accordingly withdrawn.

GKAND TRUNK TRAFFIC ARRANGEMENTS BILL.

THIRD READING.

HON. MR. VIDAL moved the third reading of Bill (113), "An Act to authorize the Grand Trunk Railway Company of Canada, to extend their traffic arrangement with the North Shore Railway Company to fifty years from the date thereof."

HON. MR. POWER moved:

"That the said Bill be not now read a third time, but that it be committed to a Committee of the Whole House, with instructions to add the following words to the Second clause thereof":—

"Nor shall anything in this Act contained be construed to affect, otherwise than as herein expressly mentioned, any right existing at the time of its passing."

He said: I do not think that any member of this House can have any objection to this amendment. It is a kind of saving clause which is very commonly inserted in Bills which affect, in any way, contracts, or which may affect rights of third parties. I do not say that this Bill does affect rights other than those which are mentioned; still a number of hon. gentlemen who are interested more particularly in the Province of Quebec, are of opinion that the Bill may do so—that it may affect the rights of the Province of Quebec, and that in a way which, perhaps, they are not very well able to indicate. If the Bill does not affect any other rights than those which its promoters declare it does, they can have no objection to this amendment; if it does affect the rights of third parties, not specified in the Bill, we would be doing our duty, as guardians of the rights of the public, to insert a clause of this kind.

HON. MR. VIDAL—I am not a little surprised to hear the hon. gentleman from Halifax so very quietly and innocently express a conviction that a large majority of this House will entertain the same view of this amendment as, he says, he holds himself. Surely the hon. gentleman will recollect that in the Railway Committee a motion to the same purport, if not in the same words, was introduced, discussed at full length and rejected by a very considerable majority—nearly two to one.

HON. MR. POWER—Nine to thirteen.

HON. MR. OGILVIE—It was seven to thirteen at first and the reason that the last vote was nine to thirteen was because one gentleman voted the wrong way by mistake.

HON. MR. VIDAL—It does not make much difference what the majority was; the fact is an amendment, such as this, was very fully discussed in the Committee and rejected; yet, in the face of that strong expression of opinion, we find the hon. gentleman expressing the very inno-

cent hope that the House will consider it desirable to make this change.

When we consider the period of the session and the nature of the amendment proposed, we should act with very much more caution than we would at an earlier period. An amendment made to the Bill now would very likely jeopardise its passage. It would be likely to be included in the slaughter of the innocents which takes place in the other House towards the end of the session. If there were anything in the amendment required for the protection of the public interest I would run the risk. I am fully as anxious as the hon. gentleman that all our interests should be protected and that we should not, by our legislation, jeopardise, the rights and interests of any other person; but I contend in this Bill there is no possibility of putting such a construction upon its enacting clause as to show that it in any way affects the rights and interests of other parties. It is all very well to say that some gentlemen entertain a suspicion that something may be wrong, but that is no reason why the House should take action contrary to the recommendation of the committee. By no possible construction can it be said that anything in the enacting clause of this Bill affects the rights of any person, corporation or public interest. The hon. gentleman says we are in the habit of putting this clause in bills; he does not state what class of bills. Where there is an amalgamation of companies it becomes a very necessary provision.

HON. MR. POWER—What is this?

HON. MR. VIDAL—This is simply an extension of the period for issuing bonds and is not open to the objection which the hon. gentleman takes. It is not an amalgamation of the roads. Each one stands distinct on its own responsibility, as it did before they entered into this traffic arrangement, which they desire to have extended by this Bill. That is the sole object of this legislation. At this late period of the session the only effect of this amendment would be to defeat the Bill and I hope that the House will consent to the third reading.

HON. MR. MILLER—The trouble is to find out the object to be gained by this amendment, which is as follows:—

"Nor shall anything in this Act contained be construed to affect, otherwise than as herein expressly mentioned, any rights existing at the time of its passing."

Now, I think it is an understood principle that rights are never taken away by implication: they are never taken away, except by express enactment, and therefore, as no rights can be taken away by this Bill, except those which are expressly stated, what is the necessity of the amendment? I cannot see any object in the Bill except one, and I do not suppose that the hon. member for Halifax, or those who oppose the Bill, will entertain such an idea for a moment—that is, that by making this amendment the passage of the Bill might be prevented for this Session. We all know, as the hon. member for Sarnia stated just now, what the fate of Bills may be in the House of Commons, when they go down with amendments at this period of the Session. I cannot suppose for a moment, after the courageous manner in which they fought this matter out on the committee, and in the House, that they would attempt to thwart the will of this House, and of the other branch of Parliament, because both branches of Parliament, by emphatic divisions, declared themselves in favor of this Bill.

HON. MR. POWER—The hon. gentleman from Richmond says he cannot see that this amendment could have any effect. Anyone who looks at the original Bill must be struck with this fact (and it is a a fact which would probably influence a court, or almost any body which would have to deal with this Bill) that, in giving the Grand Trunk Railway power to extend their existing traffic arrangement from 21 to 50 years, we are by implication, to a certain extent recognising the existence of and ratifying that agreement.

HON. MR. VIDAL—Not in the least.

HON. MR. POWER—I do not say that it would be held so in the Supreme Court, but it might be in an inferior Court. Then the argument that this amendment might defeat the Bill has, in my opinion, no value. There is no probability that

Parliament will be prorogued within a week. The Bill would be sent down with the amendment to the House of Commons, where the amendment would either be accepted or rejected, and in either case the Bill would not be lost.

HON. MR. KAULBACH—I do not think it is fair to urge that because it is so near the close of the Session we should not give consideration to this amendment, if it is one that should be made. It is not our fault that the Bill was introduced late in the Session. It is not our fault that this Company was allowed to come in here without observing the proper parliamentary forms. All that indulgence has been granted, and, therefore, it is not proper to argue that we should pass the Bill without giving it full consideration and making every provision for the protection of the rights of third parties. A clause similar to this has been inserted in many other Bills where there was a doubt as to what the effect of them would be. In this case we find an arrangement between two companies—not a traffic arrangement, but a virtual sale of the North Shore Railway to the Grand Trunk Railway Company. The 2nd clause shows that the Grand Trunk Railway Company have the whole control as regards the traffic arrangements and everything else. It protects the rights of the Canadian Pacific Railway Company in so many words, and I can not see why other rights should not be protected. It is said that the sol object of this Bill is to raise the value of the bonds to be issued under the arrangement. We find no one representing the North Shore Railway Company either in the Committee or in the lobbies of the House. We were desirous of having information from such persons, but could not procure it. We desire to meet certain charges and allegations made in the House with regard to the action of those parties, but failed to get that information. It has been argued that it is not in the interests of Quebec that the Bill should pass. If that is so, why should this House not only confirm the Quebec legislation, but extend it for so many years? If it is wrong, as some people say it is, that the term should be 21 years, why should we extend it to 50 years? I can see no reason or argument for it. The Grand Trunk Railway is a huge monopoly at the present time. It is almost impossible to resist its power. It permeates everywhere and influences even the legislation of this country. The fact of the matter is that it would be well to consider whether the Independence Parliament Act should not be extended further than it goes. We cannot shut our eyes to what is occurring everywhere, and to the fact that the Grand Trunk Railway Company exercises a most potent influence. Notwithstanding the circumstances which surround the sale of the North Shore Railway—a transaction which is strongly condemned by hon. gentlemen representing the Province of Quebec—we are asked here, not only to confirm the wrong, but to extend it for a period of 50 years. We find the agents of the Grand Trunk Railway everywhere at work to promote this legislation, in their own interests, and as I believe adversely to the interests of the Dominion.

HON. MR SCOTT—The embarrassments that arise to my mind and in the minds of many members of this Chamber in supporting this Bill arise mainly from the observation of a senator from Quebec who has stated stated on the floor of this House that the manner in which the present holders of the North Shore Railway acquired that property was not strictly legal or just—I am not using the word fraudulent or corrupt—but he indicated that, at all events, to some extent there had been a breach of trust. If such were the fact, it would be quite possible that the sale from the Province through the proposed Syndicate to the Grand Trunk Railway Company—call it sale or traffic arrangement, or anything else—that those transfers or assignments might possibly be set aside. If that is the fact then I think it would be highly improper for us, by any legislative act of ours, to ratify or in any remote degree confirm those proceedings which are attacked. I will be told that this Bill neither confirms nor ratifies anything that took place prior to this arrangement but we all know that should we pass this Bill and proceedings be taken to annul this arrangement, the Courts of Justice are largely disposed to believe that Parliament has had the subject under its consideration, and that Parliament having passed upon it, has in a measure given its sanction to the transaction, and it would be much more

difficult to disturb those proceedings after the Bill has passed than it would be had there been no such legislation. We are told that this Bill is in the interest of the Grand Trunk Railway Company, but some gentlemen who have the right to be well informed on the subject think that it is entirely in the interest of the Syndicate. I think it was stated in the other House (whether publicly or privately I am not prepared to say) that it was not a Bill in which the Grand Trunk Railroad had that direct interest which its promoters would lead us to believe. The Grand Trunk Railroad Company wishes to secure all the traffic of the North Shore, but we know very well that the money arising out of the sale of those bonds does not go to the Grand Trunk Railroad, but goes ultimately to pay the Province of Quebec. Whether the money has been paid over, and certain bonds are in the hands of trustees I do not know, but no doubt this is the mode to be adopted of paying for the road, and I think the hon. gentleman who gave us the information to which I have adverted stated also that there was a very handsome margin of $1,250,000 on the arrangement between the Grand Trunk Railway Company and the Syndicate. That gave rise in my mind to this grave difficulty that I should not be disposed in any way by my vote to act adversely to the interests of the people of the Province of Quebec. The North Shore Railway has evidently had friends at court, and the Bill has come to us for its last stage. I find that while we are quite prepared to deal very tenderly and very delicately with that weak corporation known as the Canada Pacific Railway, while we protect their rights, we are quite unwilling to protect the rights of people who are not represented in this Parliament or in the committee room. If there are any such rights, it could do no possible harm to adopt the amendment proposed by the hon. Senator from Halifax. It could not be drawn in milder or less objectionable terms; it does not say that there are rights, but that nothing in this legislation should disturb or damage any rights that are now existing. If there are no rights they cannot possibly be affected.

HON. MR. VIDAL—It is quite unnecessary then if there are no rights.

HON. MR. SCOTT—If there are no rights to be protected I should not have the slightest hesitation in supporting the Bill, because whatever my individual views may be, they are private transactions practically outside of our cognizance, but they are transactions that every body in Quebec is directly interested in. If there are rights affecting the people of that Province, there ought to be no hesitation on the part of the hon. gentleman to accept this qualified amendment, more particularly when we have adopted an amendment saving the rights of the Canadian Pacific Railway Company. We are very jealous of their rights; we are anxious that their position shall not be in any way disturbed by our legislation; that if they have secured traffic arrangements inconsistent with the traffic arrangement now proposed to be handed over to the Grand Trunk Railway Company, that those arrangements can be fought out in the courts. It cannot be argued that this is an unqualified Bill they are getting; that they are subject to no condition. They cannot say that under this Bill the people buying the bonds have nothing to fight for; there is that qualifying clause saving the rights of the Canadian Pacific Railway Company, and there ought to be no hesitation in adopting a clause saving the rights of the people of Quebec.

HON. MR. ALEXANDER—When the gentleman from Montarville made an appeal to this House at a former stage of this Bill, he did so with that instinctive grace and courtesy which always characterize the utterances of the gentlemen from the Province of Quebec; and the remarks which he addressed to this House were calculated almost to persuade many of us to allow the considerations which he addressed to this House to govern our deliberations in regard to this question. I can perfectly understand the hon. gentleman from Montarville who, from having been in the Legislature of the Province of Quebec and knowing entirely the history of what he termed gross maladministration on the part of the Government of that Province, I can perfectly understand the opposition he offered to this Bill; but I cannot understand the opposition which is now offered by the hon. gentleman from Ottawa. We can-

not always fathom the ways of that hon. gentleman. He stands in the army list of his party as a prominent officer. He wears the Queens uniform in that position and all we know is that upon a recent occasion he displayed a noble discretion —that discretion which is the better part of valor.

HON. MR. SCOTT—Very caustic I feel it deeply!

HON. MR. ALEXANDER—I allude to the course the hon. gentleman pursued upon one of the most important Bills before this Parliament, the Militia Bill. After the hon. gentleman had made a very warm and urgent appeal to this House he had not the courtesy to wait until certain hon. gentlemen should reply, and he placed them in a position of having to reply to him behind his back, a position which I think no hon. gentleman desires to take. The hon. leader of the Opposition, in a manner characteristic of his political course on the floor of this House, now rises to express sympathy with the hon. gentlemen from the Province of Quebec, and he addressed to this House—after he had heard the views expressed by one of the most experienced gentlemen of the local profession in this Chamber, the hon gentleman from Richmond, who tells him that this amendment can be of no use whatever, which view has been corroberated by the Minister of Justice—arguments in favor of the amendment, knowing that if the House accept it and introduce it into this Bill the effect will be to re-open the whole discussion of the question in the House of Commons. I congratulate the hon. gentleman on his straightforward course, and I congratulate him upon his patriotism in the manner in which he discharges his duty to his country.

HON. MR. SCOTT—The hon. gentleman from Woodstock accuses me of leaving the Chamber when a number of Senators desired to attack me for the views I expressed on the Militia Bill. When I spoke I did so, not as leader of the Opposition; I distinctly negatived the position I held as leader of the Opposition at the moment. I was quite aware that there were many gentlemen on my side of politics who were not in sympathy with the views I expressed on that occasion; therefore I did not speak for the Opposition, and it is not quite fair to represent me as speaking the sentiments of the Opposition on that subject. I said at the time I spoke my own views, simply my own experience, and what I thought was the outcome of common sense, therefore it would be manifestly unfair to hold any gentlemen who are associated with me on this side of the House as being responsible for my utterances on that occasion. Having placed my views before the House I waited until I heard the great guns, and I then left feeling that the small arms could get on very well in my absence. I did not take any interest in the Bill; I had no desire to embarrass any of its clauses, and I left this Chamber because I was not sufficiently acquainted with the subject to pronounce any decided opinions upon it.

HON. MR. O'DONOHOE—What I had to say upon this subject I said on the second reading of the Bill, but since that time it has gone through the Committee, and upon one point there seems to be nothing in the report of the Committee that removes the objection which I adverted to then, that is, the fact of there having been no notice given of this Bill Senators from Quebec state that if there had been notice of the Bill, Quebec would have been here to answer it. I am inclined to take their words, because I believe they are entitled to credit for what they say in this Chamber. If it is so, and no notice has been given of this Bill, there is a reason for the amendment which the hon. gentleman from Halifax has proposed. I have no other objection to the Bill, because I know nothing of this transaction and am quite willing that the Bill should pass, but inasmuch as those statements have been made that this transaction is shrouded in fraud which would be—

HON. GENTLEMEN—Order! Order!

HON. MR. O'DONOHOE—This is quite in order. I am not saying it is, I have not said that at any time, but I am stating that such was alleged, and if it be so there is reason for the amendment of the hon. gentleman from Halifax. Under these circumstances I think the words suggested should be introduced into the measure. The hon. gentleman from

Richmond states that the amendment here can have no effect upon the Bill, and a gentleman of his legal erudition is always deserving of much attention; it may be so, but others may have a doubt upon the point. As I have—perhaps for want of reading the Bill with the same care that no doubt he has bestowed upon it—I therefore think that, inasmuch as it cannot injure the Bill, it would be a safe precaution to take, to allow those words to be introduced viz.:- That it should be without prejudice to existing rights. I must vote for the amendment consistent with my views upon that point.

The House divided upon the amendment, which was declared lost on the following division :—

CONTENTS:

Hon. Messrs.

Allan,	McClelan,
Armand,	McKay,
Baillargeon,	Masson,
Bellerose,	Nelson,
Boucherville, de	O'Donohoe,
Chaffers,	Pâquet,
Chapais,	Pelletier,
Dever,	Power,
Grant,	Pozer,
Haythorne,	Reesor,
Kaulbach,	Scott, and
Leonard,	Stevens.—24.

NON-CONTENTS:

Hon. Messrs.

Alexander,	Almon,
Archibald,	Macdonald,
Benson,	Macpherson,
Bourinot,	(Speaker),
Campbell,	Miller,
(Sir Alexander),	Montgomery,
Carvell,	Northwood,
Dickey,	Ogilvie,
Ferguson,	Plumb,
Ferrier,	Read,
Flint,	Robitaille,
Girard,	Ryan,
Glasier,	Simpson,
Guévremont,	Skead,
Hamilton,	Smith,
Howlan,	Vidal, and
McMaster,	Wark,—31

The original motion was then carried, and the Bill was read the third time and passed.

DOMINION LANDS BILL.

REPORTED FROM COMMITTEE.

The Order of the Day having been called, the House again went into Committee of the Whole on Bill (45) "An Act further to amend and to consolidate, as so amended, the several Acts respecting the public lands of the Dominion therein mentioned."

In the Committee.

THE SPEAKER, in moving the adoption of the second clause, with its sub-section, said: The third sub-section is new, and provides for the appointment of a commissioner of Dominion Lands resident at Winnipeg, and for the establishof a Dominion Land Board. While the clause is new in the Act it has really been in operation; a Land Commissioner has been appointed, and the Land Board has been in existence for some time, and I am glad to say has done very good work in Manitoba and the North-West. The object in establishing that Board and in appointing the land commissioner was to bring the Administration of the Department, and particularly of the land, nearer to the settler, and the result has been very satisfactory. The commissioner has discharged his duties with great zeal and ability, so has the Inspector of Surveys and the land board, I believe, possesses the confidence of the people of the North-West to a very large extent, and the Department and the Government are well satisfied with the work.

HON. MR. POWER—Would the Minister be kind enough to give an approximate idea of the cost of this land board?

THE SPEAKER—The hon. gentleman will find that in the estimates; I think it is about $10,000.

The clause was adopted.

On the 19th and 20th clauses.

THE SPEAKER said: These clauses have reference to the school lands. The law as applied to them is amended in a very important particular. Under the Act of 1880, I think, it was enacted that the proceeds of the school lands should go to a fund, only at the rate of agricultural lands; and that if they were intersected by railways and made valuable thereby, the fund should not have the full benefit of any increase in the value caused by such intersection. It was

then intended that the Government should construct the Railway, and it wasnot considered reasonable that the educational fund should have the full advantage of what would be contributed by the Government. But now that the Railway is being constructed by a Company, it is not considered necessary to continue that policy, and it is intended that the fund shall get credit for all the money that the school lands produce. I think that will be a gratifying change, in the opinion of the House, as it certainly is in the opinion of the people of Manitoba and the North-West.

The clauses were adopted

On the 21st, and 22nd, clauses,

THE SPEAKER said: These clauses have reference to Military Bounty Warrants. Under the existing law it might be held that the scrip represents land, whereas it in reality only represents money, and it is now declared that it only does represent money. When this scrip was first issued it could be used for the purchase of lands that were for sale at one dollar per acre: there are no lands now for sale at that price, and a bounty warrant, which is for $160, is taken in payment for 160 acres of land, so far as that sum will apply.

The clauses were adopted.

On the 24th clause.

THE SPEAKER said: This clause is slightly amended. The upset price is to be fixed by the Governor-General-in-Council, and it is also provided that the sales shall, to a certain extent, take place by auction. At least that is the intention; the Act does not declare explictly that it should be so, but as a general rule I may say it is the intention that the Government shall fix the upset price for the land.

HON. MR. REESOR—I saw an adververtisement lately of a sale of land that is to take place, I think, on 15th May, at Winnipeg, and my recollection is that there was no designation as to where the land is situated, further than that it is south of the belt of the Canadian Pacific Railway. I think it would be desirable that the Government should always give exact information as to township or range in which the land lies, which is to be sold. Parties could then make enquiry and ascertain whether the land was good for settlement. Without such information a few parties, who have access to the field notes of the land which is to be sold, or who perhaps may obtain information from the officers, would know exactly the value of the lots to be sold, while the public at large would be without such knowledge.

THE SPEAKER—The public advertisements of the sales state that the lands to be offered are those sections next to, and along the Pacific Railway, which were withdrawn from sale rather more than a year ago. Those lands will be offered, and also some lands to the South of the Canadian Pacific Railway belt. This was stated in the advertisement, and it was also mentioned that particulars would be given at Winnipeg, where the sale is to take place. It would be a very long advertisement if we were to state the particulars which the hon. gentleman suggests. All those particulars will be obtainable, and I have no doubt are now posted, in the land office at Winnipeg.

HON. MR. REESOR—But this sale includes such an immense quantity of land —all the sections which have been withdrawn from settlement, and all the sections south of the Canadian Pacific Railway belt.

THE SPEAKER—It is not stated that all of either class will be sold. The upset prices are fixed, and no upset price will be less than $2.50, and some of them even higher than that. As long as there is a demand for them, over the upset price, the sale will go on, but no longer.

HON. MR. POWER—Referring to the 20th clause, if the Minister will allow me to go back to it, I notice that the school lands are to be sold by public auction, but there is nothing said about advertising.

THE SPEAKER—I do not think there is, but it follows as a matter of course.

HON. MR. POWER said there was no provision for advertising the sales provided for in this section.

THE SPEAKER—It is not intended that the sales shall be restricted to auction sales; the land wi'l be obtainable at fixed prices at the land offices.

HON. MR. POWER—The lands referred to are those portions which may include a water power, harbor or stone quarry; those lands are reserved from ordinary sale, and shall be disposed of in such manner, and on such terms and conditions, as may be fixed by the Governor in Council on the report of the Minister of the Interior. It seems to me that, if there are any regulations about the mode of disposing of those lands, they should be made public.

THE SPEAKER—I think you will find that there is provision for that further on.

The clause was adopted.

On the 25th clause.

THE SPEAKER—The sub-section is new. It is to allow the public to get some of the advantage resulting from town sites which may be selected and fixed upon by the Canadian Pacific Railway Company. And it provides for the Government participating with the company in the profits that may result from the selection of such town sites and their sale.

The clause was adopted.

On the 27th clause.

THE SPEAKER—This is the homestead-right section, and I wish to give some explanation of it. The hon. gentleman from Toronto urged very strongly, both yesterday and the day before, that the conditions of homesteading should be amended by not making it exclusively rest upon residence and cultivation, as at present, but that cultivation alone should be considered, or that, at all events, large consideration should be given to cultivation. Now, the principle on which the homestead rests is that of residence. The lands in the North-West are practically divided into two parts, one half for the man who can afford to purchase land, and the other to be earned by residence and labor. The greatest difficulty that has been experienced in the administration of the homesteading portion of the land, is the excluding of the speculator from interfering seriously with the comfort and success of the homesteader. To whatever extent the residence conditions are modified, to that extent speculators will get the advantage. The speculator can employ men to go and make improvements, and if he could get the land upon those improvements, he would do so to the prejudice of the homesteader, and it is in the struggle between the two that the homestead "jumpers" had their origin; they are a very obnoxious class which will be annihilated by this Bill. I do not think it would be possible to modify the present conditions or residence, without seriously impairing the homestead principle very much to the injury of the poor man. To give you one instance:—The hon. gentleman from Toronto said "demand large improvements, if you choose, require that one hundred acres shall be cleared within three years, and that a good house and fitting outbuildings shall be erected." Would it be possible for one out of one hundred homesteaders to do that? Are homesteads intended for men who could do that? I maintain that they are not. Then, again, if you reduce the cultivalion to a very small quantity, you merely put it in the power of the speculator to employ men to do a little cultivation—a little scratching of the soil—and on that small amount of work he will acquire the homestead. So that whether you require the cultivation to be large or small, you will see that it is utterly inconsistent with the principle which Parliament has declared shall underlie the earning of homesteads. I think the House will agree with me that it is not possible to modify the residence provision in the system. I therefore move the adoption of the clause.

HON. MR. POWER—I perceive that in the 4th sub-section of this 27th section, the privilege of the homestead entry is only to apply to agricultural and surveyed lands; and no person shall be entitled to such entry for land valuable for its timber, or for hay land—now, why should not a homesteader be allowed to get hay land?

THE SPEAKER—The homesteader may get hay land. There is a provision in the Act for homesteaders getting a small quantity of hay land, but it is not intended that any other than ordinary agricultural land should be opened for homesteads,

and the object of this clause is to extend that provision a little; the exceptions will be found in the last three lines of the clause. I think the House will see the reasonableness of these exceptions, and would not desire that such valuable locations should be given away to homesteaders for nothing.

HON. MR. POWER—I see no objection to any part of the clause except where it says absolutely that there shall be no privilege of homestead entry for hay land, and I cannot understand why it should be so.

THE SPEAKER—A little further on in the Bill we shall come to the hay clause.

HON. MR. REESOR—It might happen that if a party were allowed to homestead a purely hay or timber lot, it might be the means of preventing all the settlers in that neighborhood from having a share in that timber or hay.

The clause was adopted.

On the 31st clause.

HON. MR. REESOR—I think an amendment might be made to this clause with great advantage to the settler, whether he be rich or poor. It is provided that when a homestead entry is made in the month of September, the settler may have until the month of June following to complete his entry and go into residence. The time to break the prairie land is in the months of June and July; if you break it much earlier than the month of June, the grass is too green, and the roots turn back and grow through, thus leaving the land in very bad condition for two months. If however you leave it until after the month of June, and then turn over and break the soil, you destroy the vegetation, to such an extent that by the fall the ground is ready to be ploughed again for the crop, and you can realize the very best results. If, however, the settler makes his entry in the month of September, and goes there the next June, he has no crop then for about 15 months, or until a year from the next spring, and he is living there at expense all that time. The speculator does not go upon these lands with a view of cultivating them; he simply wants to secure them for the purpose of sale, and the amendment which I ask the Government to make, can not do harm to any one. It is to provide that entry may be made in the month of June, instead of the month of September, which will give the settler an opportunity of bringing some part of his land under cultivation; they need not be bound to do so, but they might be given that chance.

THE SPEAKER—The homesteader, under this clause, really has nine months within which he may perfect his entry, and the effect of it is to allow intending settlers to go to the North-West and prospect during the summer. There are very few who go there—especially from the Province of Ontario, in which my hon. friend friend is most nearly interested—intending to settle on a particular section or range, but they spend some time prospecting, and finally make up their mind, perhaps by the month of September, where they will settle, and they make their entry on the first of September or thereabouts. From that date they are allowed to return to their homes—though only those living in this country do—in order to bring their families back with them, which they can do with every possible convenience and comfort before the first of June following; so that they have nine months in which to leave their own province. The interest of the public must also be guaranteed, as well as that of the settler who wants a longer time than is proposed to be given by this clause. Hon. gentlemen must know that during the nine months in which the settler is making up his mind as to whether he will perfect his entry by taking personal possession, or not, the land is actually held for him.

HON. MR. POWER—I think that this clause is an improvement upon the existing law. The Government have extended the time from the 15th May, to the 15th June, which is something material, and they have also put in a provision giving emigrants from outside of North America a whole year for the purpose of making their entries perfect. I sympathise with the hon. gentleman at the other end of the room (Mr. Reesor) in much that he said, but I think there is a much more convenient way of reaching the end he has in view. He has shown the House how injustice and difficulty may arise

from the strict enforcement of the law, even as it is in this Bill, and although the Minister appears to have a pretty decided opinion upon the subject, still I submit that for the first year at any rate, some modification of the rule might be made, without injury to the country and without encouraging speculation. I move that a 4th sub-section be added to this clause to the following effect:

"Provided also that the bona-fide cultivation of 5 acres of such land by the person who has obtained the homestead entry therefor shall be accepted as an equivalent for the term of residence required during the first year after entry."

Under the law, as it is, the party need do nothing more than merely reside during three months of the first year on the homestead. Now, I think it will be quite as well to have it that if the man who takes up a homestead cultivates five acres in a satisfactory way, it shall be equivalent to residing there three months.

HON. MR. KAULBACH—That would tend to encourage speculation.

THE SPEAKER—I do not think that the change proposed by the hon. gentleman from Halifax would be an improvement. The effect of it would be of course to give the homesteader a longer time to perfect his entry, and he has nine months under the Bill as it now stands. Does the hon. gentleman not see that the effect of his motion would be to play entirely into the hands of speculators.

HON. MR. POWER.—No, I don't see that.

THE SPEAKER—The speculator, by employing a person, not to reside upon the land, but to cultivate 5 acres, would earn one year's homesteading.

HON. MR. POWER.—Could not the speculator in the same way send a man to live on the land?

THE SPEAKER.—In that case he would have to pay the man wages for a whole year while under the clause, as the hon. gentleman proposes to amend it, he would only have to pay for the time occupied in the ploughing of 5 acres of land, which might take but a few days.

HON. MR. POWER—The Bill provides that the homesteader shall reside only for 3 months of the first year. The amendment I propose refers exclusively to that year also. It would be just as easy for the speculator to put a man in there to spend 3 months as it is to improve 5 acres of land.

The motion was lost on a division.

HON. MR. REESOR—I would suggest that the month of June be substituted for the month of September.

HON. MR. MILLER—My difficulty in dealing with a measure of this kind, which is of great importance and has, no doubt, engrossed the attention of the best minds in the Cabinet for some time, is lest in making those alterations we may seriously interfere with the Bill in a direction that we do not understand.

HON. MR. POWER—That would be a reason for not criticising or amending any Bill at all.

HON. MR. MILLER—This is a special case, and, for myself, I am disposed to take the clauses as they stand.

On the 32nd clause,

THE SPEAKER—I may state to the House that that clause is by way of amendment to the existing law, in which there is a provision which is somewhat strange, especially to legal minds, to the effect that it is not the heirs of the homesteader, but the heirs of his wife, who succeed to his property. This was found to be a serious interference with the general course of law, and the amendment is to cause the property to go to the legal representatives of the homesteader, according to the law of the Province or Territory where the homestead may be situated.

HON. MR. REESOR—That is a very important clause. Supposing the legal representatives should be the man's trustees or his infant children, it would not be possible, perhaps, for them to reside upon and cultivate the land, and although the homesteader may have expended some thousands of dollars upon the property, his heirs or representatives would be deprived of it on account of failure to

fulfil the conditions. Now, that is a very serious matter. I was going to suggest that if the principle of cultivation was not allowed generally, it should be allowed in cases of this kind. I would just read it now as I would amend it if the hon. gentleman will consent.

THE SPEAKER—No, I cannot consent to the amendment, because I think it would be a blot upon the Bill. It is impossible in a Bill of this kind to provide for every supposable case that may arise. In order, however, that justice may be done in cases where there is no express provision, there is a clause in the Bill empowering the Governor-in-Council to do what may seem right in such cases. The hon. gentleman spoke yesterday about what the Governor-in-Council, or the Minister of the Interior might do being contrary to the express provisions of this Act and a straining of the law. But that is not so. The duty is imposed upon the Governor-in-Council, or the Minister of the Interior to administer justice in all cases not expressly provided for in this Blil.

HON. MR. REESOR—Would my hon. friend allow this, and one or two of the following clauses to stand over for the present, or until we come to the clause he mentions so that we may consider them together?

THE SPEAKER—I have no objection to that.

The consideration of clauses 33 to 37 inclusive, was accordingly deferred.

On clause 39,

HON. MR. POWER—Asked why pre emption was to be discontinued.

THE SPEAKER—Pre-emptions are not given to homesteaders in the United States at all. There a settler may have either a homestead or a pre-emption, but not both. In this country, as an inducement to settlers to prefer our North-West, to the United States, the privilege of pre-emption has been given in addition to the homestead right. It is now thought that that system has been long enough in operation, and is to be discontinued from the 1st January, 1885. One of the chief objections to it is that it has a tendency to make too great distances between the settlers on account of so much land being held by each.

HON. MR. MACDONALD—After this time, then, any settler taking up more land will have to pay for it?

THE SPEAKER—They have to pay for the pre-emption lots now.

HON MR. ALEXANDER—If a body of men, making up a small colony, were to go far north, in the direction of Peace River, for instance, where the lands are yet unsurveyed, would it not be a wise policy to give them pre-emption rights.?

THE SPEAKER—The rights of settlers to their homesteads in unsurveyed territory are fully protected.

On clause 41,

THE SPEAKER said: Of course it would not do to allow settlers to take possession of lands which are of special value as hay lands,

HON. MR. POWER.—There is no definition of what is meant by "hay lands." I think that such a definition should be inserted.

HON. SIR ALEX. CAMPBELL—No defnition is required. What is meant by the term is well known to all in that country.

HON. MR. SUTHERLAND—I can easily explain the reason for this clause. In the vicinity of good arable land there is often a tract of marsh land which is specially adapted for hay. The settlers coming into that portion of the country of course choose the higher land for their homesteads, and look to the marsh land in the vicinity, which nobody would care to have as a homestead, for their supply of hay.

HON. MR. DICKEY—I think it would be a most objectionable proceeding, because it would take it out of the power of the people of those localities to get the lands.

THE SPEAKER—These hay lands are necessary for the settlers.

HON. MR. HAYTHORNE—If they are sold by auction every one has a fair chance of getting them on equal terms, but if they are let by application to the Minister, there is always a chance of unfair dealing.

THE SPEAKER—The intention is to give them to those whose farms are contiguous.

On the 42nd clause,

HON. MR. POWER—I wish to call the attention of the Committee to a provision in this clause which seems to be objectionable. It provides that those coal and other mineral lands shall be disposed of "in such a manner and on such terms and condititions as may from time to time be fixed by the Governor-in-Council, by regulations to be made on that behalf, which regulations shall not go into operation until after they shall have been published for four successive weeks in the *Canada Gazette*, and laid before both Houses of Parliament for thirty days without disapproval by either House." The consequence of that wording is that the Government may find it necessary in the month of June to make some regulation with reference to mining lands, but that regulation can have no effect until after the meeting of Parliament the next year. I do not believe that it was the intention of Parliament at the time that particular clause was passed, that it should be worded in that way; it may be an error, and if so it should be corrected.

THE SPEAKER—I think the suggestion of the hon. gentleman is a good one, and I am quite willing to accept it.

HON. MR. POWER—Then there are regulations with regard to timber limits as to which there is no provision as to when they shall come in force, and I would suggest that we should strike out the balance of the clause from the word "behalf," and add a clause to the Bill making provision for regulations generally.

THE SPEAKER—The inconvenience of the present regulations has been experienced this very year. It was impossible to have the mining regulations adopted by Council within 30 days of the close of the session, and to comply with the law, it was necessary to lay them upon the table of both Houses for 30 days; the inconvenience that would result from not having the regulations for another year would be very great. It is quite possible that it will be found necessary to modify the regulations during the course of the year, and I am quite willing to accept the suggestion of the hon. gentleman.

The clause was amended accordingly.

On clause 45,

HON. MR. ALLAN asked if there was any provision with respect to granting lands to parties planting a certain number of trees.

THE SPEAKER—Not in this Bill. That provision was in the old Bill, but it never was taken advantage of by settlers, and it was thought expedient to omit it.

On clanse 70,

THE SPEAKER said: The object of sub-section two of clause 70 is to make such improvement in the mode of issuing patents as to allow of their being issued more rapidly than they have been hitherto. Great delay has occurred in this respect, and it was found to be impossible to issue patents as rapidly as would be desirable. Everything is being done to expidite their issue, and this provision is a very important one having that object in view. To supply to some extent the want of a patent, and to diminish as much as possible the inconvenience of being without one, it is enacted in this Bill that homesteaders who are entitled to their patents may get certificates from the local agents, confirmed by the land board, which shall have all the effect, and be as valid as the patent until the patent is issued.

HON. MR. DEBOUCHERVILLE—Is it the intention that the Governor-General shall sign every one of those patents?

THE SPEAKER—Certainly the patents are issued by the Dominion Government, and must necessarily be signed by the Governor-General or his Deputy.

THE SPEAKER moved the adoption of the clauses that were deferred.

HON. MR. REESOR said: The language of the 34th clause is imperative as to the action of the Minister, and some change might be made with advantage. Take a case like this: I received a letter no longer ago than yesterday, from a man who entered for a homestead. There were three brothers and they commenced, immediately on getting to their land, first to put in their crop and then to put up their houses. It took more than six months to get their houses constructed, for they were obliged to carry the necessary lumber a distance of 100 miles. The consequence was that they were unable to remain upon their land much longer than five months. Now, there is a case in which it was imperative upon the Minister, because the party had been less than six months upon his homestead, to enforce the other conditions of this Bill. The settler is rendered liable to have all his improvements, and all his cultivation forfeited. He will not even be allowed to live on the neighboring lot.

THE SPEAKER—Well, even in such a case as has been mentioned, the entry is cancelled: Then the land would be open to be dealt with as the Minister of the Interior might decide, and it is perfectly competent for him to give the settler a new entry which, as a matter of course, is what he would do. But in a Bill of this sort you must have what will be generally necessary for the administration of the De partment, and give the large powers which are contained in this measure for the meeting of exceptional cases.

HON. MR. REESOR—Then the settler must make an affidavit that he has resided for six months of each year on his lot before he is entitled to his patent.

HON. MR. MILLER—It is provided that the Minister of the Interior may make such orders as may be necessary from time to time to carry out the provisions of this Act, or to meet any case which may arise, and for which no provision is made in this Act.

HON. MR. REESOR—Now take a case where a father and son go out and take up homesteads; they are obliged necessarily to live upon them separately, each one having a shanty of his own on his homestead, instead of all living together. Why not allow them to live together? But that is not allowed according to the Bill. I would move that some such addition as the following be made to this clause: "Provided also that in cases where more than one half of such homestead is under cultivation when the patent is applied for, then the Minister of the Interior may assume that residence has been sufficiently complied with.

THE SPEAKER—It is impossible to assent to that; perhaps the hon. gentleman will allow the clause to be carried, and then, if he wishes to move any amendment, he can do so on the third reading.

HON. MR. SCOTT—Is there any objection to using the word "may" instead of the word "shall" in the 46th line of this section?

THE SPEAKER—The intention is to employ Government inspectors to see that the conditions of homesteads have been fulfilled, and not to leave it to the land "jumpers," as it practically has been heretofore. Thus there will doubtless be no animus on the part of those who will be entrusted with the duty of examining as to the fulfilment of these conditions, and the hon. gentleman need feel no apprehension in that direction.

HON. MR. GIRARD—The Minister of the Interior will have to decide the whole question, but I should like to see the Minister authorised in some way to deal with such matters, and on that ground I would like to see some such provision as this introduced.

THE SPEAKER—He is empowered under the general provisions of this Bill, and it is impossible to give him larger powers than are contained in them.

HON. MR. REESOR—Then in case of illness, if a party is ill the time may be somewhat extended, I do not know how long, but if the party is not able to be looked upon as a resident because of his illness having been very protracted, then his patent is forfeited, strictly speaking.

THE SPEAKER—The hon. gentleman may be perfectly certain that no man will

have his land forfeited because he is suffering from illness or from any other cause which he could not possibly obviate. Every Government is interested in rendering the people contented and happy.

The Committee rose and reported progress, and asked leave to sit after recess.

It being six o'clock, the Speaker left the chair.

After Recess.

The Committee was resumed :—

HON. MR. POWER called attention to the 33rd section, in which there was no requirement for any particular amount of cultivation.

THE SPEAKER—There is not.

HON. MR. POWER—Does not the Minister think it desirable that there should be?

THE SPEAKER—No. It is taken for granted that any person who has lived for three years on his homestead will have given sufficient proof of his bona fides as a settler.

HON. MR. POWER—The Pacific Railway Company provide in their agreement with settlers stringent regulations as to cultivation.

THE SPEAKER—It is held that a homesteader who has lived three years on his homestead has given a reasonable earnest on his determination to make it his farm. It is intended that the six months leave of absence during the year should be taken by him in such a way as to make it advantageous in obtaining work elsewhere, and so long as he makes it a home for himself and his family for three years it is a sufficient guarantee of his good faith. Cultivation is stipulated for, but not the amount of cultivation.

HON. MR. POWER—The Government could provide that by regulation.

THE SPEAKER—The Government intend to have the homesteads inspected, and in that way satisfy themselves that the settlers are carrying out the conditions of settlement in good faith.

HON. MR. DICKEY—The object of the Government is to throw as few obstacles in the way of the settler as possible consistent with the settlement of the land.

On the 37th clause,

HON. MR. POWER said that on referring back to the third sub-section of the 33rd clause it would be seen that it provided that any person proving that he had resided on the land for which he had homestead entry for twelve months and brought under cultivation thirty acres thereof, might, before the expiration of the three years, obtain a patent by paying the Government price at the time for the land. He thought, under such circumstances the man who cultivated the 30 acres and paid the price for the land was in as meritorious a position as the man who simply resided three years on this lot and cultivated very little of it.

THE SPEAKER—The difference is this: The homesteader who purchased his land after a years residence is in a worse position than if he had bought an odd numbered section. He could have done as he pleased with it, but when he took the homestead he was required to cultivate 30 acres before he would be entitled to his patent after a year's residence. The fact of a homesteader purchasing his land at the end of a year causes a doubt as to his *bona fides* as a settler.

HON. MR. POWER—I do not understand why it is that the Government, who are so desirous to have the lands taken by *bona fide* settlers, have reserved all the land south of the Canadian Pacific Railway which embraces the best land in the North-West from homesteading.

THE SPEAKER—The reason is just this : there are now seventy or eighty millions of acres of homestead lands open for settlers north of the Canadian Pacific Railway. The lands between the railway and the boundary have, for various reasons, attained a very considerable value, and it was not thought to be in the public interest to leave them open to homesteaders

when there were so many other tracts of country open for them to select from. The step taken in that regard was one in the public interest, because it must be remembered that Parliament expects the Government to make the land produce money enough to pay for the Pacific Railway.

HON. MR. POWER Does the Government propose to sell this land south of the railway to companies, or only to individuals, and with conditions of actual settlement?

THE SPEAKER—It will be offered at auction next week at an upset price without conditions of actual settlement and on the terms that have been advertised.

HON. MR. POWER—I am sorry to hear that, because it will give an opportunity to speculators to get hold of the land and lock it up until it has attained a greater value than it has now; and the experience of Prince Edward Island and Ontario has proved that it is not in the public interest to allow large tracts of lands to fall into the hands of land companies or individuals.

HON. MR ALEXANDER—If the argument of the Speaker should prevail, in reference to lands north of the railway, I should like to know why the same principle should not apply to lands south of the railway? I am not sure that the principle of encouraging so many land companies may not prove ultimately very oppressive to that country, as the Canada Land Company has latterly to Ontario. One of the effects of allowing those lands to fall into the hands of those companies is to encourage speculation and many of our citizens have been lead away by a speculative mania to invest nearly their all in such ventures in their haste to make money, and have subjected themselves and their families to great embarrassments. The United States Government have never encouraged land companies. It is true that the States have granted large tracts of land for the construction of railways, but those railway companies become active immigration agents and it was to their interest to have the lands settled as rapidly as possible.

THE SPEAKER—There is great difficulty in the way of a Government enforcing conditions of cultivation. The greatest penalty they can impose or threaten is that of forfeiture. It is well known that the Government never inflicts that penalty: the consequence is that speculators would take possession of the lands, disregard the cultivation conditions almost altogether, and trust to their political influence to obtain exemption entirely from carrying them out. The hon. gentleman at the head of the room (Mr. Reesor) referred to Colinization Companies, and said they managed their homestead lands very much better than the Government do. Colonization companies have nothing whatever to do with the homestead lands within their allotments except to settle their. The even numbered sections, one half of the land allotted to colonization companies, remains open to the first homesteader that comes. The poorest wayfarer that may pass through a colonization company's allotment has a right to go there and select a lot and demand an entry for it, if it is an even numbered section and vacant. The homestead lands in the allotment made to a colonization company stand precisely in the same position as the other homestead lands throughout the country, so that whatever advantages there may be in that respect result from the policy of the Government.

HON. MR. POWER—Is that the case with the lands reserved south of the railway?

THE SPEAKER—There are no colonization company's lands south of the railway.

HON. MR. REESOR.—One colonization company has advertised that parties may come in and take homesteads by bringing under cultivation the first year 20 acres of land. It can be held for that until the next year, when they can go and put that land under crop.

THE SPEAKER.—Colonization companies may make whatever conditions they please in respect to the odd numbered sections. These they pay for. But in respect to the even numbered sections they cannot attach the slightest condition, and the settlers will soon learn that they

have no right to do so. There can be no departure from the ordinary conditions of homesteading in the colonization allotments.

HON. MR. POWER—I am much gratified to hear that statement made by the hon. Speaker, because a mistaken impression has got abroad that the case was otherwise.

HON. MR. HAYTHORNE—Will the hon. gentleman state whether the regulation limiting the quantity of land which can be sold to a single individual will prevail in the auction sales which are to take place next week?

THE SPEAKER—The law is that no individual can have more than one section, but there may be agents at the auctions instructed to purchase for many individuals who are each entitled to a section. The law is express upon the subject.

HON. MR. POWER—The only point as to which I do not feel quite clear yet is, the reason the Government have for selling these lands, south of the Pacific Railway; as it exposes them to the danger of falling into the hands of speculators, who may hold them for a long time.

THE SPEAKER—But speculators cannot make money by holding the lands. They must sell them soon again.

HON. MR. POWER—Then why not allow homesteaders to go on them?

THE SPEAKER—The land is too valuable for that.

HON. MR. REESOR—But surely the homesteader ought to be allowed equal privileges with the speculator.

THE SPEAKER—And so he is. He he can go to the auction and buy as well as the speculator.

HON. MR REESOR—But he ought to be placed in a better position than the speculator, whereas he is really in a worse one.

THE SPEAKER—There is this difference between our policy and that of the United States. There although a settler has lived three years upon his homestead he cannot obtain another, while in Canada he has the right after earning his homestead by three years residence upon it to secure a new homestead, and if he has purchased his land at the end of one year and desires a new homestead there is nothing in this Act to prevent his getting one, but he could not get it without satisfying the Minister of the Interior that he deserves to have it.

HON. MR. KAULBACH—What quantity of land is to be put up at the auction?

THE SPEAKER—No particular quantity has been settled upon. That will be left to the discretion of the land commissioner at Winnipeg who will put up as much as he thinks can be disposed of to advantage.

HON. MR. KAULBACH—It would be as well not to put up too much at once.

HON. MR. VIDAL, from the committee they reported the Bill with several amendments, which were concurred in, and the third reading fixed for Monday next.

THE LIBRARY OF PARLIAMENT.

HON. MR. ALLAN moved that the order of the day—consideration of the first report of the joint Committee of both Houses on the Library of Parliament—be discharged and fixed for Tuesday next.

HON. MR. ALEXANDER—I desire to remove an erroneous impression created by the remarks of a prominent member of the House, when this report was being discussed upon a former occasion. He said "that the selection of books was not in a satisfactory condition, and that the House to this day, did not know how the selections were made." As an old member of that committee, I say that the selections have been made with the greatest care, by our highly esteemed Librarian, Mr. Todd, aided every session by the large committee, composed of members of both Houses, the chief responsibility resting, as it should rest, upon the Librarian—a gentleman, who has devoted his whole life to making our Parliamentary Library a success—and when I say,

that from his widely extended knowledge and cultivated taste, he is perhaps better qualified, than any member of either chamber, to discharge that duty, I do not conceive that I am reflecting upon the literary attainments of any particular member, who has his own special views. Reference was made to the list appearing in the last supplementary catalogue. I would remind the House, that with the view of encouraging native talent and genius, we accept and place in the Library the productions of all Canadian authors, some of which may not be works of deep research. Then again, it was said, that we gave too much latitude to certain English booksellers to add to our lists sent home, works which they might deem worthy of a place in our Library. Over this, Mr. Todd has exercised the greatest care, that none of the public money should be wasted. And I venture to add, that our Library of Parliament, as a whole, is as complete a collection upon all subjects of interest and value to our public men as any library in the world of the same magnitude—embracing the principal authors upon every subject, touching the principles of Constitutional law and Government, every history of the parliamentary struggles in England, and other countries—all works of public and private interest, embracing everything in the way of Biography, Travel, Science and Art. I venture to make these few observations, because it would be very discouraging to our esteemed Librarian, and also to the Committee, to have it go forth that they have not labored faithfully to secure by the public grants, a library worthy of this rising country.

HON. MR. DICKEY—It is a pity that the hon. gentleman deferred his observations until the hon. member who made the observations to which he alludes had left the Chamber. He is not now in his place, and is not therefore in a position to reply. I desire to correct the hon. member in his unqualified statement, that the Librarian is the proper person, and the only person to select books for the Library.

HON. MR. ALEXANDER—I said he ought to have the chief responsibility resting upon him—that it should not be divided. If you divide the responsibility you will find various members of Parliament suggesting the purchase of books which are not worthy of a place in the Library—books on subjects in which they perhaps, take a special interest themselves, but which would not be regarded as the best selection.

HON. MR. DICKEY—I wish to call the attention of the Committee to an expression of opinion by the Chairman of a sub-committee of the Library Committee with respect to this very point—the selection of books. I refer to Mr. Odell, who is an active member of that Committee He was appointed chairman of the sub-committee which was called upon to report on this question, and here is his language only three years ago, when this subject was brought up by myself, and when I made the observations which I felt it my duty to make upon the selection of books :—

"HON. MR. ODELL said there was no doubt that general orders had been given to certain publishers to send on new publications to the Library. Such an order existed in regard to French and English law books, as well as others, and a great many publications were obtained in that way, that were not required at all. Therefore, to that exten , the statement of the hon. member from Amherst was correct.

My hon. friend, who is not here present I regret to say, went on further and confirmed the suggestion which I then made, that instead of leaving this to the unrestricted exercise of the discretion of the Librarian, who thought proper to send a general order for certain books and to allow the bookseller to fill up that order to any extent with other books not named —in order to prevent that anomolous state of things, which I will not characterize by strong terms at present, he went on to say that it was very important that a committee should be appointed to select the list of importations and prevent the crowding of the shelves.

HON. MR. ALLAN—I do not know that this is quite the time to discuss this matter. I should have thought not, but as several hon. members have spoken, I think I should answer one or two remarks made by the hon. member from Woodstock. In the first place he has alluded to an expression of opinion on the part of a gentleman

who is not present here to-night with reference to the Librarian, and said he thought it was very wrong indeed that such language should have been used, and that the hon. gentleman who had charge of the report was wanting in his duty in not correcting the hon. member when he made the statement. I can only say that if reference is had to the report of our debates it will be seen that when the hon. gentleman alluded to did, as I thought, criticize the capabilities of the Librarian rather unfairly, I did rise in my place and say that I considered Mr. Todd, so far from being such a book worm and so entirely engrossed with his own particular literary pursuits, as to disqualify him in any way for thoroughly discharging the duties of the position which he filled, that I, on the contrary, thought he was admirably qualified for his position ; that he had a very extensive knowledge of books and took every pains in his power to secure a proper selection of works for the library, but I think I also did say that a discretion had been given to the booksellers from whom the books were ordered to fill up the order with a certain number of books if they thought any new works of interest had been omitted from the list sent to them which should have been included : I thought this had been carried a little too far, and I also myself take this opportunity of stating, with all respect to Mr. Todd, that I do not think the selection of books for the last few years has been in all respects entirely satisfactory. I think too much license may have been allowed to the booksellers, and, of course, a very great deal of allowance is to be made also for the fact that the library has been half starved, as for the last two or three years we have had so little money to spend upon it. But the hon. gentleman is not quite consistent in the language he uses, because while defending Mr. Todd, and arguing that he should be untramelled by any advice or assistance, he says the Library Committee are responsible as having assisted in making the selections. Now, year after year, suggestions have been made that a committee should be formed in order to assist Mr. Todd in the selection of books for the library, but the proposition has never been acted upon. With the exception of one or two instances in which the late Mr. Hilliard Cameron and Mr. Edward Blake made some suggestion with reference to the Law library I do not know that any member of the Committee ever did anything towards assisting Mr. Todd, certainly not in the selection of books of a general character, at all events. But, as the hon. member from Woodstock knows perfectly well, at the last meeting of the Library Committee a sub-committee was chosen to assist Mr. Todd in this matter, and we hope that very good results will flow from the appointment of that Committee. Mr. Todd himself, instead of having any objections to such assistance, has expressed himself very grateful for it. I may also mention that while the Committee was appointed with that view, it was expressly understood that Mr Todd was to have the revisal of any list sent in by the Committee, so that the ultimate responsibility will rest with him entirely. That is the position of the matter now. I do not think there is any difference of opinion in this House as to Mr. Todd's abilities and fitness for the office which he fills ; but Mr. Todd himself, would be the first to say that he would be at all times grateful for assistance in the way I have indicated.

HON. MR. ALEXANDER.—The hon. member who has just spoken and other members are in error in supposing that Mr. Todd sends lists to the booksellers in London with unlimited discretion to supplement them with such books as they may think proper to select. I have Mr. Todd's authority for saying that this has not been done to any extent. I am authorized to state that of 18 books which were sent by the publishers, some 12 were on Mr. Todd's list, and there was only a question of six works, which he considered worthy of approval. Mr. Todd has never sent an unlimited permission to the publishers in London to send what they like. He has sent very complete lists, but added the observation that if, in addition to these, there should be anything special of great value in public estimation, say to the extent of a very few works, they might include them.

The motion was agreed to.

EUROPEAN, AMERICAN, CANADIAN AND ASIATIC CABLE COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (118), "An Act to Amend

the Act Incorporating the European, American, Canadian and Asiatic Cable Company (Limited), and to change the name thereof to 'The American, British and Continental Cable Company (Limited).'"

He said: This is a Bill to change the name of this Company. When I was in the House of Commons I presented their petition for incorporation, and I may say that I never have had in my hands any petition for an act of incorporation signed by a larger number of names of well known persons—eminent bankers and merchants, in London and in this country. There has been some delay, I believe, in prosecuting the work. I was asked, the other day, to promote this Bill when it came from the other House but perhaps I can better give the reasons for it by reading the petition, which is as follows:—

To the Honorable The Senate of Canada in Parliament Assembled:

THE PETITION OF THE UNDERSIGNED, THE PROMOTERS, AND DIRECTORS OF THE EUROPEAN, AMERICAN, CANADIAN AND ASIATIC CABLE COMPANY LIMITED.

HUMBLY SHEWETH:

That your petitioners and their associates have made substantial progress in carrying out the object for which they sought and obtained their Act of incorporation.

That a considerable portion of the first cable has been manufactured and tanked and that it is the intention of the Company to lay one cable via Sable Island during the coming summer.

That the associates who are furnishing the main portion of the capital have stipulated for a change in the name of the Company urging that the acquiescence in this request will materially assist in completing the financial basis of the Company.

Your petitioners therefore pray that the name of the Company may be changed to "The British & Continental Cable Company, Limited."

And your petitioners will, as in duty bound, ever pray.

Ottawa, 18th April, 1883.

(Sgd) H. N. Bate
(Sgd) J. R. Booth
(Sgd) Allan Gilmour
(Sgd) Jno. Sweetland
(Sgd) Chas. Bate
(Sgd) John Gilmour
(Sgd) B. Batson.

HON. MR. DICKEY.—I do not feel inclined to let this motion pass without stating to the House, as my hon. friend has not thought proper to do so, the situation of this matter. His explanation is very brief and is confined to what has taken place during the present session. There are some gentlemen here to-day who were not members when the Act which it is now proposed to amend was passed, and therefore it may not be uninteresting to them to know, and it may be useful to remind those who were then present, of the position of this matter and what necessity there is for this legislation. I think you will see that when it is investigated it will be found to lead us possibly into a very considerable difficulty. This Bill was introduced in the session of 1881—some two years and two months ago—and passed this House. The title of the Bill expressed its object, which was expanded in the enacting clause. That title was "An Act to incorporate the European, American and Canadian Cable Company," a Company which was organized for the purpose, as expressed in the enacting clause, of establishing telegrapbic communication between Great Britain and Sable Island and any other points on the shore of the Dominion of Canada as the Company might select. It was purely, therefore, an Atlantic cable Company, and that is not only proved by the expresss terms of the title in the first place, and the clause of the Bill in the second place, but it is also proved by the very fact that it only professed to be a European, American and Canadian—why American and Canadian, I do not know exactly. The Bill was sent to another place where it was largely amended. In the meantime, Mr. Sandford Fleming appeared on the scene with a project to lay a cable from British Columbia, to Asia, across the Pacific Ocean, some 4,000 miles. That he was the original projector of this enterprise is quite evident from the official returns now on our table—the returns made in obedience to an order of this House. We find that so far back as 1879 Mr. Fleming had projected this, as a letter in the return shows, and he followed that up continuously to the session of 1881, when the Government took measures by introducing a Bill to enable them to give Mr. Sandford Fleming a charter for the purpose of carrying out that project. It was in this state that the matter was when

this Bill which I have adverted to, for the incorporation of a European and Canadian Cable Company, was sent to the House of Commons. In some mysterious way the Bill came back to us entirely changed, and from a mere Atlantic Cable Company—it suddenly expanded itself into a Company, to enable them to girdle the earth around, and so necessary did they think it was that the title of the Bill should be altered that the promoters changed it to "The European, American, Canadian and Asiatic Cable Country, (Limited)." That is the first change (now we are asked to make another change,) which was accompanied by very large powers. In addition to cables between Europe and America, they were empowered to establish cable communication "from any point or points on the Pacific coast of the Dominion of Canada to Japan and the continent of Asia." So we had a very different Bill presented to us some considerable time after Mr. Flemings project was laid before the House of Commons. That was the state of the case on the very last day of the session when I thought it my duty to call the attention of the House to a matter which had just been brought to my notice—that these amendments had been made and had been introduced and passed in the Senate, and passed without the knowledge of many gentlemen of this House. No less than four members rose in their places on that occasion and stated that they had no knowledge of those amendments; and if they had known of them they would have opposed them. Now I have an acknowledgement to make to my hon. friend from Ottawa, one of the promoters of that Bill, because at the time I took that objection I was not aware that my hon. friend from Ottawa had explained the amendments to the House. I think it is due to him to state so, and I will briefly explain to the House how it was. It appears, from my reference now, for the first time, to our Debates, that when the Bill was returned to the Senate with those amendments, within three days of the close of the session, I was not in the House at the time. My hon. friends who said they knew nothing of them either were also absent, and the reason I find, by referring to the Debates, is perfectly obvious.

These amendments were brought to the notice of the House a few minutes past six o'clock. There was no business of importance before the Senate at six o'clock, and the House adjourned at ten minutes past six. I assume that members had left at the usual time for the purpose of refreshing tired nature, and in that way these amendments had escaped their notice.

HON. MR. PLUMB—Does my hon. friend argue that any legislation in the Senate during its regular sittings is to be objected to because gentlemen do not happen to be in their places?

HON. MR. DICKEY—Certainly not; this was a very irregular sitting because it was after six o'clock. I merely mention this because I think it proper to set mysel right with the promoter of the Bill. I was not aware at the time that he had given the slightest intimation of the nature of the amendments or possibly I might have been spared the observations I made then.

But if we carry this matter a little further we shall find that these amendments cover not only what I have already mentioned, but a great many other provisions, and the effect of that Bill which was thus, as it were, interjected into the legislation of this country, was to prevent Mr. Fleming's project from being carried out, for the very plain reason that he could not expect afterwards to float a company or raise the necessary capital in the money market while he was confronted by the fact that another company had been incorporated for the purpose of carrying on that very project.

Well, that is proved by the result. The result has been that Mr. Fleming has felt himself entirely unable to carry out his project, and the thing is still slumbering after two years. What has been done in the meantime by the other company? I would here ask the attention of the House to a very singular thing in connection with this matter. The very first name that is mentioned in this Bill, and the name which, I think I am justified in saying, was that which carried it through the House, was that of Sir E. J. Read, yet in the returns which have been laid upon the Table of this House, and which were prepared, I believe, in the very last days of last Session, in this House, in 1882, we

find this extraordinary fact: Sir E. J. Reed telegraphed, in answer to an enquiry on that subject, to this effect; that the use of his name was perfectly unauthorized in this Bill, and that he knew nothing about it, and had nothing to do with it.

HON. MR. PLUMB—Who got that telegram?

HON. MR. DICKEY—It is printed in the return here which I have under my hand; I am merely speaking of the facts as I pass along. So much for Sir E. J. Read. Now the legislation itself is to this effect: The 20th section of the Act says "the works of the company shall be commenced within two years, and one or more cables laid and completed within four years from the passing of this Act, otherwise this Act shall be null and void." Now the parties had two years in which to commence their works and the mode in which that could be done is expanded upon in this Act; it states that they must advertise their organization in the Canada Gazette, etc.: Well, so far as I know—I may be wrong—but I am not aware that any organization has taken place under the Act, or that it has been published in the Canada Gazette. I merely propose to state the facts as I find them rather than to argue the question at present, and now we come to the position of matters in reference to this very question as it arose two years ago. When this Act was passed, when, under the mistaken apprehension which I have mentioned, I brought the facts before the House what was the language of the promoter of the Bill on that occasion? The hon. gentleman from Ottawa spoke as follows: "I am in a position to know that it was the intention of the promoters of this Bill when it was first introduced, and while they were in entire ignorance of Mr. Fleming's project, to lay, not only a cable across the Atlantic, but one across the Pacific, and also to lay cables to Bermuda and elsewhere." I was rather startled by that statement, and I referred to the debates which took place on the second reading of this Bill, on which my hon. friend expanded his views largely, and I find not one word, not one syllable, in the whole of that discussion, which speaks of the intention of the promoters of this Bill to lay a cable across the Pacific Ocean—I mention that in passing. But in regard to this particular question as to the time of commencement, I beg to refer to what the hon. gentleman stated, in his usual very frank manner. When it was pointed out to him that, if this thing went on he would merely block the way for any other company—because in the first place, if any other company were incorporated hereafter under this general act passed in 1881, that company will have to face this charter, and further than that you have to face this difficulty, that this company has to go into operation within a certain time—what did my hon. friend answer to that? He said: "If, in a year hence, this Company has made no progress, and if any other company will show that it is capable and is prepared to go on, I shall not stand in the way, nor would I like any one else to stand in the way with regard to a charter being granted to the new Company.' Then he confirms that by saying: "If the cable is not commenced within a year this Company will not be in the way of Mr. Fleming or anybody else who desires to obtain a charter for the purpose of commuicating with Japan and China." Now that is the declaration of the hon. gentleman, doubtless made in all sincerity, and it is only necessary that I should now call the attention of the House to the position of the matter in reference to that. We have now on our Statute Book a condition with regard to this Company that its cable shall be commenced in two years, and one or two more cables laid within four years. The House will allow me to suggest that, if one cable were laid—for instance if it were landed from Great Britain to Sable Island—this charter remains in force and effectually blocks the way of any cable across the Pacific for an unlimited number of years.

HON. MR. SCOTT—Why, this is not a monopoly?

HON. MR. DICKEY—Monoplies are so odious to the hon. gentleman that he would not think of supporting such a thing, and I am now going to suggest a course which would prevent a monopoly. I am merely stating the fact, that by legislation, if one or more cables are laid in four years—that is one of those cables from Sable Island to Great Britain—it is quite sufficient to comply with this Act and their charter

remains intact for an unlimited period of years. That is perfectly clear. The hon. gentleman says there is no monopoly, but I have already given reasons that would prevent any other company from coming in to build this very desirable line from British Columbia across the Pacific, and in the meantime it is quite clear that if any progress is made in this work within four years, it will stop the whole progress of telegraphic communication between British Columbia and the continent of Asia. Now, what is this commencement within two years? The hon. gentleman said only two years ago "if in a year hence this cable is not commenced, I shall not stand in the way of any body." Well, what has been done now? The House knows nothing about it, we only know that the leading man who is at the head of the promoters of that Bill has repudiated the whole thing. We have no information whether this company has taken any steps at all. I am not prepared to say they have not, but have they *bona fide* commenced within the two years? The time expired no the 21st March, and what are we now asked? To pass a bill to change the name of this company for the second time; to go back to the original intention which was to lay a cable between the continents of Europe and America; in fact we are asked to sanction this company, whether they have commenced this work within two years or not. We are asked to give legislative recognition to the fact hat, this company is in existence, and that proper steps have been taken to incorporate it, and we follow that up by changing its name. Under those circumstances, I think the House may well pause before they conclude to read this Bill a second time, and if they do, I trust at all events, that if the matter should go farther, and pass to the Railway Committee, that that Committee will certainly see that evidence is placed before them that there has been a bona fide commencement of the work within two years. But there is a little more; this Company has reverted to its first love; it has gone back to the original object of this Company, which was to lay a cable between those two continents, and surely my hon. friend, after that, cannot ask this House to go back to the original title of the Bill, substantially dropping out the word "Asiatic" altogether, and yet continue the power to lay cables across the Pacific Ocean. The hon. gentleman who is the promoter of this Bill cannot ask this House to say that they will still leave on the Statute book, that provision which enables them to cover the ground between Japan and British Columbia. Because by doing that they block the way, for all practical purposes, of any other person undertaking this project. I think it is an unheard of piece of legislation. I never before heard of an application to change the name of a company until that company had gone into practical operation, and the necessity for the change had arisen, and I think if this Bill is allowed to pass it may establish a very dangerous precedent.

HON. MR. SCOTT—I am astonished at the extraordinary observations of the hon. gentleman who has now addressed this House, that a company asking for no special privileges, asking for no monopoly, subjecting itself to the control of the Governor-in-Council in reference to its rates—the only company that does that—should, on coming to Parliament simply asking for a change of its name, be met with such opposition and such charges and insinuations as have met this Bill. It is startling to me; it is a new experience to me to hear an hon. gentleman rise in his place and charge the House of Commons and the Senate of Canada with having fraudulently placed on the Statute Book of the country (for that is what the statement of the hon. gentleman practically amounts to) an Act which the representatives of the people were not aware they were passing.

HON. MR. DICKEY—I made no such charge.

HON. MR. SCOTT—I say that the hon. gentleman insinuated that that Bill was smuggled through the House of Commons; that it came up here in the dying days of the Senate; that it was presented by myself to the House without proper explanation; and he now discovers that it must have been after six o'clock when it was done, and Senators were not aware of this extraordinary change—to my mind a very small change, a change in no way commensurate with the radical alterations that Bills undergo every session in one House or the other. What is the history

of this Bill? In 1881 a body of gentlemen in Canada, and a body of gentlemen in London, with a view of resisting the encroachments of the great cable telegraph monopoly, petitioned Parliament for a charter. The Bill was introduced in this House in the early part of the session, and we granted that Company what it then sought. While the Bill was before Parliament the promoters of it decided they would like to have power also to enable them to lay a cable, if they saw fit to do so, on the Pacific coast. We could give them no powers to reach Japan or China on the west, or on the east to extend their cable towards Europe. Our powers were confined simply to giving them the right to lay a cable on our own Pacific coast, and we were ready to do that for any company showing a substantial basis to carry out what they proposed to do. We have before us every year enterprises of various kinds asking for acts of incorporation; we ask no questions about them; we see that they petition for certain powers; we know it is in the interest of the public to grant the powers asked for if they go into operation, and we give them the right to form a company to carry out the intention of their charter. There was no special favor granted to this Company; they asked no special favor. This Bill went down to the House of Commons; it was opposed here, and it was opposed there, by whom? By the only parties who could oppose it—parties in the interest of the great telegraph monopoly that now controls all telegraphic communication over this country, for the Western Union and Anglo American companies have absolute control of all the wires on this broad continent—both in Canada and the United States—and the cables between this Con-Continent and Europe. They are a Corporation second to none on the face of the earth in regard to power. That power opposed this new enterprise in Parliament; not directly, but their hand was visible. They will tolerate no competition. They want the world to themselves; they got possession of this vast Continent, but they are not satisfied with that; they want to control the mighty deep, so that no other company shall have the power of laying a cable across the Atlantic but themselves. So they opposed this Bill here and in the House of Commons; it was opposed violently on the Committee, but those clauses were agreed to. The Chairman of that Committee was a leading member of this Government, Sir Hector Langevin, and what did he report to the House of Commons after the Bill had been fought out on that Committee? He reported that they had carefully considered the Bill, and had decided to give increased powers to the Company to authorize them to lay a cable to Asia. That report was reported to the House, and it passed the Commons with certain other amendments further increasing their power. It was well known that the gentleman promoting the Bill wanted the exclusive right of landing cables on our Pacific coast. He had no doubt it would be a nice preserve; he would let Mr. Pender and his colleagues have the control of the Atlantic, and Mr. Fleming and his colleagues would have the Pacific; then they could girdle the earth with a huge monopoly having its head in the United States. The scheme was discussed in the public press, and the current of public opinion was strongly against it. Public opinion said "No, there can be no monopoly on our Pacific coast, we do not own the Pacific ocean." Are we to say to other promoters of these vast enterprises when they have laid their cable across the Pacific ocean, "you shall not approach our shores; this coast of ours is reserved for a particular friend—the people of Canada want to make a present of it to a particular favorite who will control all the messages that may pass between this continent and Asia?" The people of this country would not endure it, and the House of Commons could not carry the monopoly Bill that was introduced there in opposition to this measure to favor Mr. Fleming's project. They said, "We will give Mr. Fleming a bill, but it shall not be a monopoly. We will pass a public bill, and we will put a clause in it," that I will read to the House, and that measure was passed through the Commons *pari passu* with the Bill we have been discussing. The clause incorporated in the public bill provided as follows:

"If Sandford Fleming, of the City of Ottawa, Esquire,—who has submitted a plan for the purposes mentioned in the preamble, which has met with the approval of the Governor-in-Council—and such persons, not less than five in number, as may be associated with him, do, within twelve months from the passing of this Act, apply for letters patent under the

Act firstly cited, incorporating them as a company for the purposes aforesaid, and show to the satisfaction of the Governor-in-Council that they have complied with the preliminary requirements of the said Act, and are able and ready to establish such telegraphic communication as aforesaid, letters patent may be issued, incorporating them for that purpose under the said Act, and the Act secondly cited; and the said company so incorporated shall have the powers and privileges, and be subject to obligations provided by the said Acts, and by the sections hereinbefore mentioned of the Act thirdly cited, and shall have the privilege of landing and operating a telegraph cable or cables on Vancouver Island, or the Mainland of British Columbia, or both, but subject also to the following conditions:

The conditions were that telegraphic communication by one or more cables between Canada and Japan on the continent of Asia by way of the Pacific ocean should be completed within five years from the date of the charter. This Act was passed with the full knowledge of the people of this country by their representatives in Parliament and was widely discussed. Mr. Fleming was given a year in which to form his company. He had not even formed his company at the time that Act was passed and we find that last session a Bill was introduced by the Government for Mr. Fleming giving him another year in which to form his company and apply for letters patent. Nobody opposed that Bill, and nobody should have opposed it, as it was but right that he should have been afforded every opportunity to carry out his project which was one in the interests not only of Canada but of the world. Yesterday we passed through this Chamber (and hon. gentlemen did not even take the trouble to discuss it) an Act further to amend the Act incorporating that Cable Company, extending the time for another three years. I venture to say that there are not five members in this Chamber who knew that that Bill was being passed with a view to giving five years extension of the time in which Mr. Fleming should carry out his scheme. Yet we are told that there is something improper and something covert in the manner in which this legislation is now sought by the European, American, Canadian and Asiatic Cable Company to change their name, although, it was reported to the House of Commons by one of the leading members of the Government, was discussed there, and then came up here in the ordinary way. When my hon. friend behind me (Mr. Dickey) said he felt aggrieved that those amendments had been made without his knowing it, I regretted that his attention had not been drawn to the fact. I am the last man in this House to seek for any legislation except in the most frank, open, candid and honorable way. I did not suppose at that time, after the matter had been so fully and openly discussed, that there was any senator who was not aware of the change then proposed. Fortunately for myself I did call attention to the fact that the House of Commons had given additional powers, and had added the word "Asiatic" to the title of the Company. It was just before the adjournment of the House, when members were impatient to get away and the few remarks that I made were not published in the "Debates" although I have found on examination they were in the notes of the reporter. We all know that towards the end of the session, when there is a press of business in this House, that matters of that kind are not so fully reported when no debate arises on them, but the fact remains that I did call attention to the changes that were made in the Bill and hon. gentlemen did not take the trouble to listen to me at that late period of the Session. This enterprise, at the time it was projected, had apparently prospects of a ready and easy existence, but the promoters reckoned without their host. I have, fortunately, before me one of the original stock lists of the Company to which is subscribed the names of leading capitalists in London. Amongst them I notice the name of W. H. Chase who signs the petition as representing subscriptions to the amount of £400,000 sterling, and that of Nathaniel Green of Bartholomew House representing subscriptions to the amount of £800,000 sterling.

HON. MR. VIDAL—Were those really members of the Company?

HON. MR. SCOTT—Yes. It is a matter that is not open to a doubt. The name of Sir E. J. Reed was not on this petition when it first came here; it was introduced in the House of Commons. Sir E. J. Reed was at that time in Florida and he was communicated with and asked to come north for the purpose of discussing this Bill, and it is the first time I

have heard of any repudiation on the part of Sir E. J. Reed of his connection with this Company. But I can quite understand it: those gentlemen who signed the petition were frightened and driven from this Company by its opponents; then another body of gentlemen came in and subscribed, and a large number of them were also frightened and forced out of it by the Anglo-American Company, one of the most powerful combinations in existence, in connection with the Globe Construction Company, which constructs largely the cables of the world, and is at this moment one of the most powerful moneyed institutions in London. It is almost impossible for an infant enterprise to get à foothold in opposition to them; the moment opposition appears this gigantic monopoly strikes it down, and is perpetuated in that way. As an illustration of the extent of the hostility of the Anglo-American Company to this enterprise I may state that some six months ago it was announced in a cable despatch that the principal subscribers of the stock of this Company had withdrawn their names, and had taken up their subscriptions from the Bank. I was amazed; I saw that the scheme had gone under, and that the Anglo-American had at last triumphed absolutely. It was not until a letter went over from this side and an answer came back, that it was discovered the statement was absolutely false, a forgery of the Anglo-American. It will be remembered that when Mr. Pender was here negotiating the arrangement for the two new cables that were laid for Mr. Gould, the press drew attention to the fact that Mr. Pender had publicly stated that the Company claimed the right, if any messages passed over their wires that were hostile to them, to make use of the information, and in that way they have had the key to the whole situation. No movement could be made on this continent without their being aware of it—it is cabled to head quarters within an hour. If my utterances here were supposed in any way to be likely to affect their interests adversely, they would be cabled across immediately, and ways and means would be provided to counteract their influence. The monopoly is always on the alert to meet and crush out all opposition, and has hitherto succeeded. Parliament has granted to a great many companies, charters for cables, but this is the only company expressing its willingness to accept in their charter, this clause, introduced by the Senate:—

"And the said Company shall be subject to such rates as may from time to time be approved, and may be altered from time to time by the Governor-in-Council."

The Company also gives to the Government of Canada preferential transmission of messages, and agrees that the charges for messages shall be reasonable and uniform. There is no other charter that contains clauses so favorable to the Government of this country, or that submits the tariff for revision by Order-in-Council. Last year we passed through Parliament a bill incorporating Mr. Jay Gould's Company. We did not hesitate to do so; nobody desired to oppose it; we all felt that if Mr. Gould chose to invest his money in cables it would be an advantage to the world. At that time he had not formed this Syndicate with Mr. Pender. When Mr. Gould's charter was passing through this House some one called attention to the fact that it was a proper time for Parliament to exercise some supervision over the rates that were being charged, and a clause was introduced to the effect that the rights, powers and privileges conferred on the Company shall cease if the present existing rates shall be increased by the Company unless such increase be first approved by the Governor-in-Council. That was a reasonable and fair proposition, but did Mr. Gould accept it? He said: "no I will not take your bill, I will lay my cable and make my charges whether the Parliament of Canada wishes or not," and the Bill was withdrawn at the third reading. Mr. Gould made his own arrangements, because he controlled the Western Union, and he got control of the Canadian lines, and Mr. Pender soon found it to his interest to make pooling arrangements with him and they enjoy this monopoly in defiance of the will of the people of this vast continent. And is it for the sake of this monopoly, that is so independent of the people and the Parliament of Canada, that we now say to an independent Company that comes to us asking for no special privileges, demanding no rights that any other independent body of gentlemen might not claim, we are to say "no,

gentlemen we will give you no rights ; we will not even allow you to change your name ?" Ithink that will not be the voice of the Senate ; it certainly would not be the voice of the people of Canada. I need not remind hon. gentlemen of the fight we had eight or ten years ago to place an act on our statute book under which any company might be organized. Although we fought and beat the monopoly at that time, it was only a temporary success ; they beat us in their turn in a more successful way : they bought up the shares of the opposition company, amalgamated the two companies, notwithstanding the provision in the charter against it, and the Parliament and people of Canada submitted to the insult without a protest. There is in this country, I am happy to say, great liberality in granting charters where corporations seek for no exclusive powers, where they run certain risks, and endeavor to float their ventures. But I have almost lost my faith in independent telegraph companies when I see the extraordinary absorbing power of this monopoly. I am quite sure that when a company comes forward and asks only the right to change its name and to call its meetings at one month's notice instead of three, this House is not going to deny them that privilege and thereby perpetuate this monstrous monopoly that now controls the wires on the Atlantic Ocean.

HON. MR. READ—It would be well if some hon. gentlemen would consult the Votes and Proceedings of this House for 1875. Many of us have a vivid recollec- of the action taken by the Government at that time, of which the hon. gentleman from Ottawa was a member, and but for which we would not be in the position we find ourselves to-day on this telegraph question. A motion was made then which was assented to by the Anglo-American and resisted by the Direct Cable Company: the motion was that the rate should be fixed at 25 cents, and the Government of the day refused to accept it.

HON. MR. SCOTT—No ; no !

HON. MR. READ—I am quite correct ; the motion was made that the rate should not be more than 25 cents, and it was defeated by the Government of the day, of which the hon, gentleman was a member. I recollect quite well that when the resolution was moved, Mr. Letellier, who was then leader of the House, walked over to the gentleman who was looking after the interests of the Direct Cable Company, and after a conversation with him he returned to his seat, resisted the motion, and by his vote and influence it was defeated. I do not know that the hon. gentleman from Ottawa was in the House when the vote was taken, but Mr. Cyrus Field, who was here in the interest of the Anglo American Company, said at the time : "They will resist that," and it was resisted. He authorized me to say that the Anglo American would accept it, "but" said he, "when it comes to a vote the Direct Cable Company will resist it," and now we hear the virtuous indignation of the hon. leader of the Opposition about perpetuating monopolies.

HON. MR. KAULBACH—I have listened to the remarks of my hon. friend from Amherst, who has given us a clear statement of the facts of this case, and to my mind they have a great deal of weight. I have also listened to the Leader of the Opposition here, whose remarks are calculated to prejudice us by some action that may have been taken by the Anglo-American and Direct Cable Companies. It was an unfortunate thing for the hon. gentleman to have referred to that. The petition for this Bill represents that "substantial progress has been made in the carrying out of the objects for which the company was incorporated." What is the substantial progress that has been made ? One of the gentlemen who is put forward as one of the chief promoters of the scheme, Sir E. J. Reed, says that his name was used in this petition improperly. The Company have failed to show why their name should be changed.

Finding that there was a project to lay a cable across the Pacific Ocean these parties sought to have the name of their Company changed to include the word "Asiatic" : and now they seem, without any reason, to want to have it changed back to the original name. If this Company is honest why does it want a change of name ? I do not believe that companies any more than men should want to change their names. Is it because they they have a bad character and do not stand well in the money markets of the

world that they come here for this legislation? There must be some reason for it. Is seems to me that they want this Parliament to sanction the legislation of two years ago. If we encourage this Company the effect will be to delay cable communication with Japan and the continent of Asia. The Company have had two years already and they have not shown us that any substantial work has been done by them to carry out their enterprise.

HON. MR. VIDAL—I must say the greater part of the long address of the hon. member for Ottawa appears to have no relevancy whatever to the Bill which is before us for consideration. His fierce tirade against monopolies has nothing to do with this question. I am opposed to the Bill, but I am not aware that I have any connection or sympathy with the company against which he speaks with such vehemence. I do not see what his efforts can amount to, because, from his own showing, no matter what our legislation may be it will not protect us from the monopoly. I think the House is entitled to some explanation of the object of the Bill. No reason is assigned why this name should be changed. What do they expect to gain by it? Surely this is a matter on which we ought to have some information, and neither the introducer of the Bill nor the earnest and eloquent advocate of it has told us what is to be gained by the change. Why do they drop the term "Asiatic"? If by dropping the word they also dropped the claim to lay a cable from the western shore of Canada across the Pacific it would remove a great deal of the objection I have to the Bill.

HON. MR. PLUMB—Some matters have been disclosed in the course of this debate which I certainly was not prepared to hear. As very serious charges have been made against the *bona fides* of the gentlemen who are promoting the Bill of which I have moved the second reading, I think we could hardly decide that the Bill should not go to committee for an explanation such as they can give. I think it would be a matter of fairness, after what has been said on the floor of this House, that the Bill should receive in committee full consideration, and that those who are interested in its promotion, should be given an opportunity to meet the charges which have been made against them, and against the Bill itself. There is a very serious charge—that a prominent gentleman in England, who name was used and undoubtedly strengthened the application in the first place and strengthened the Bill altogether, has repudiated any connection with it. That is a matter which I learned for the first time to-day. I supposed it was an ordinary Bill asking for a change of name. I had no interest whatever in it: I merely took charge of it as a matter of courtesy to friends for whom I had introduced the petition in the first place. I think it is but fair, after this discussion, to let the Bill go to Committee. No one will be committed to the principle of it, and we can deal with it more intelligently when it comes back to the Senate with such information as the Committee can obtain on the subject. I think it would save time. I remember the plaintive manner in which a member of this House referred to the fact, a few nights ago, that it was ten o'clock, when a matter of some considerable importance was before the Senate, and I am very reluctant to keep those gentlemen out of their little beds. I hope therefore that the second reading of the Bill may be allowed without further delay.

HON. MR. SCOTT—I have been asked in reference to Sir E. J. Reed's name——

HON. MR. VIDAL—I did not mention him.

HON. MR. PLUMB—His name is on the petition.

HON. SIR ALEX. CAMPBELL—He says he never authorized it.

HON. MR. SCOTT—I am quite sure that is not true.

HON. MR. DICKEY—The hon. gentleman seems to doubt the correctness of the statement I have made. I have the official returns here in which Sir Edward Reed's telegram, dated the 8th of March, is given in these words:—

"I am not connected with the European, American, Canadian and Asiatic Cable Company, and did not authorize the use of my name in connection with it.

E. J. REED."

HON. SIR ALEX. CAMPBELL—It seems to me that is a distinct repudiation on the part of this gentleman, that he either signed his name or authorized the signing of it. It would be better to let the Bill go to the Committee for the purpose of hearing the discussion on both sides. For my part I have distrusted this company from the beginning; I have never thought it a company entitled to the consideration of Parliament. It seems to me to be a company got up for the purpose of opposing the fair and honest enterprise of Mr. Fleming—for the purpose of anticipating and getting hold of his project of crossing the Pacific with a cable. When, after that, we see Sir E. J. Reed repudiating the use of his name, it seems to me there is a doubt thrown upon the whole transaction. We had no evidence then that any of the other English gentlemen, whose names were connected with it, had ever given authority for the use of their names. In the petition read this afternoon no English name appears. It is signed by a few gentlemen in Ottawa who, I am confident, however respectable they are (and I know they are respectable) have no intention of laying a cable anywhere.

They desire to keep alive the opportunity of dealing with this charter in the English Market in some way, they do not know how. I am sure I am not doing them any injustice in saying that they do not know in what manner they are to deal with this charter except to keep it alive. Why should they wish to change the name unless it has become unsavory in the London market? Nevertheless, it seems to me, after the assertions that have been made by the hon. members from Ottawa, and Niagara and the assertions of my hon. friend from Amherst and other gentlemen who feel disposed to think as I do about the Bill, it ought to go before the Committee for investigation. Let us reserve our opinions until we ascertain how far these persons are entitled fairly and honestly to change their name in the way that they desire. I suggest that the second reading should take place now.

HON. MR. SCOTT—I have the petition here and I find that Sir E. J. Reed's name appears on it with the others.

HON. SIR ALEX. CAMPBELL—The inference would be that the other names were not authorized.

HON. MR. SCOTT—It certainly is astonishing to my mind if these can be forgeries. The petitioners are people well known in London.

HON. SIR ALEX. CAMPBELL—You see what Sir E. J. Reed says—that he did not authorize the use of his name. There is another point which I did not mention which the Committee should investigate: The signature of Allan Gilmour, on which emphasis was laid, is not that of the head of the firm, but of Allan Gilmour, jr.

HON. MR. SCOTT—It is the signature of the leading member of the firm. Allan Gilmour, Sr., has retired from the firm.

HON. SIR ALEX. CAMPBELL—My hon. friend laid emphasis on it as if it were the signature of the wealthy Gilmour.

HON. MR. PLUMB—I hope the Minister of Justice does not mean to insinuate that I laid emphasis on that name with the intention of misleading the House. This petition was handed to me and I presented it without any knowledge that there had been the slightest controversy about it. I do not intend to be in any way committed to this Bill if it is found on investigation that it does not bear light. I have no interest in it whatever, and anybody who knows anything of my parliamentary career, will exonerate me from being in any way a party to a job. If it is right, they should have this legislation; if it is wrong, no man can, unchallenged by me, insinuate in the slightest degree that I have been a party, in any way, to dealing by indirection.

HON. SIR ALEX. CAMPBELL—You thought it was Allan Gilmour, Sr., whose name was attached to the petition?

HON. MR. PLUMB—Yes. I supposed, until I looked at the charter, that Allan Gilmour was one of the corporators: I find it is Allan Gilmour, Jr. Why he did not sign that way I do not know.

HON. MR. SCOTT—One of the corporators, James Maclaren, is quite as wealthy.

The motion was agreed to, and the Bill was read the second time.

INLAND REVENUE BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (115), "An Act to consolidate and amend the several Acts respecting the Inland Revenue."

HON. MR. ALLAN, from the Committee, reported the Bill without amendment.

HON. SIR ALEX. CAMPBELL moved that the report of the Committee be taken into consideration on Monday next.

HON. MR. DEVER—I wish to know why it is that the duty on spirit should be retained at the present high rate, when spirit is so low in the United States? Now, I find that the duty, according to this Bill, is $1.00 on a proof gallon, or $1.65 on a gallon 65 O. P. Whereas the duty on spirit from the United States is $2.18 on an article of the same strength and quality which costs only 46 or 46½ cents. The position I want to take is this. that the Government, under this Bill, is giving a protection of $64 a package upon a commodity that costs only $55.80, or in other words, over 100 per cent. on the first cost of the goods. There is another point which I wish to bring to the attention of this House; that the manufacturer of vinegar requires to use alcohol or spirit. The present rate in Canada now is $1 a gallon, and parties who manufacture vinegar are compelled to pay $1 a gallon owing to this Act, whereas they could import it from the proper market at 46½ cents a gallon, or in other words they are losing some 53½ cents a gallon on the first cost of the article. This seems to me a very important matter, and it should be considered in a Bill of this kind, because it certainly, in my opinion, will have to be considered before very long. The United States are reducing the price of spirit and tobacco, and in consequence of the reduction on tobacco in the United States, I see we are compelled to reduce our tobacco duty from 20 to 12 cents per lb. I think the same law that applies to tobacco should apply also to spirits. Then, there is another point to which I would call attention: I think that this description of spirit is wholly unfit to be manufactured in Canada, and it is only by a protection which is out of all proportion to the cost of the liquor that it can be manufactured here at all. The spirit to which I refer is spirit made from corn. I have no objection—on the contrary I am quite willing and anxious—that whiskey, ale and beer should be manufactured out of our barley and other native grains; I think we should manufacture Scotch and Irish whiskeys and export them, and in doing so we would be conferring a real benefit upon the country, whereas at present we are encouraging that which no other country fosters. In England and France they are in just as great need of this spirit as we are, but they do not import the corn and manufacture it in their own country; they import the spirit or high-wines from the cheapest market, at a price which is equal to about 45½ cents, whereas we are compelled, owing to this legislation, to pay $1 for it. Now, I conceive that these are important matters to bring before the public, and demand intelligent legislation. I do not believe they should be left entirely to officials who have no sympathy with business, and who do not comprehend the injury they are doing the country, and the destruction they are causing to trade, in dealing as they are with these important subjects. Hon. gentlemen may think this is not an important matter, but if they think so they are mistaken as the amount of duty raised was $3,555,490 for 1882, but to obtain this the people of this Dominion lost $1,000,000 for protection, and commerce is restricted to a market that is not fit for the business; the consequence being that the cities by the sea, which had formerly a West India trade in spirit, are compelled to purchase now largely in Canada against their will, and the Cities of Halifax, and St. John which had formerly a large trade in rum with the West Indies, are losing the profit connected with it by the substitution of this article, and they are compelled to purchase liquor at a cost of $120 a puncheon in bond, the real value of which is $55.80. In making an extensive Bill of this kind, I believe the best disinterested information in the country should be obtained, and a measure should be introduced in this House which would not require to be continually patched and tinkered. I feel sure if hon. gentlemen understood

the importance of this Bill to the commerce of the country, there would be a better arrangement made for the regulation of trade in this department.

AMENDMENTS CONCURRED IN.

The amendments made by the House of Commons to the following Bills were concurred in :—

Bill (98), "An Act respecting the Northern Railway of Canada."

Bill (B) "An Act to amend the Canada Civil Service Act, 1882."

Bill (50) "An Act to amend an Act respecting the Credit Valley Railway Company."

Bill (I) "An Act to incorporate the Canadian Rapid Telegraph Company (limited.)"

The Senate adjourned at 10.50 p.m.

THE SENATE.

Ottawa, Monday, May 14th, 1883.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DOMINION LANDS BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (45), "An Act further to amend and to consolidate as so amended the several Acts respecting the public lands of the Dominion therein mentioned."

HON. MR. POWER moved in amendment that the Bill be not now read a third time, but that it be re-committed to a Committee of the Whole House, with instructions to amend the said Bill by adding the following sub-section to the Thirty-first clause :—

"4. Provided also that the *bona fide* cultivation of fifteen acres of such land by the person who has obtained a homestead entry therefor, shall be accepted as an equivalent for the term of residence hereby required during the first year after entry."

He said :—The 31st clause to which I propose to add this as a subsection provides for the length of time within which the person who obtains a homestead entry shall make the entry perfect by taking possession of the land and beginning continuous residence thereon. Under the existing law the homesteader must reside six months on his land during the first year. The Government, yielding to a pretty general feeling in favor of a modification of that requirement, have now gone so far that in certain cases only three months residence will be required. It must be clear that the amendment which I propose is not asking a great deal. The object of the Government and of the people of this country I presume, is to have the North-West cultivated and made productive in order to make it what it is claimed it will before long be—the greatest wheat producing country in the world—as soon as possible, and it seems to me that the cultivation of 15 acres of a homestead will have a much greater tendency to bring about that result than the mere requiring of the homesteader to live three months upon the land. It may be that he lives there for three months in a shanty during the winter. That does not tend to improve the land, or to prevent speculation. I have been given to understand by gentlemen who are somewhat familiar with the way in which things are done out in that country (although I have not had the good fortune to visit it myself) that a rigid enforcement of the present system leads to a good deal of something very much like perjury—that where, perhaps, two or three persons of the same family have separate homesteads, they live all together, and although there may be shanties erected upon each of the homesteads, still the residence which the present law requires does not actually take place. The members of the family reside together, and then, when the time comes for making the required affidavit, each member makes oath that he has resided upon his own homestead. It is desirable that that should be prevented as much as possible, if it can be done without injury to the country. Provided the members of a family are living all together in the immediate vicinity of their homesteads, it

does not make any practical difference whether or not each one resides upon his own land. In the case of a father and his two sons, or of a widow and her two sons, it does not make any substantial difference whether they live all together upon one homestead, or separately on the three homesteads; provided they cultivate all the homesteads. In the case of the Mennonites in Manitoba, this requirement, I understand, does not exist. They are allowed to live together in villages, and it has not been found that the relaxation o the rule interferes seriously with the improvement of the country, or has any tendency to lead to speculation.

HON. MR. PLUMB—If the hon. gentleman looks through the Bill he will find that there is a provision to accomodate people who wish to live in villages.

HON. MR. POWER—There is no provision for this particular case; there may be provision for Mennonites.

HON. MR. PLUMB—It is not for the Mennonites but for persons who are accustomed to living in villages, or who desire to live in villages.

HON. MR. POWER—I do not think the hon. gentleman has any right to interrupt unless he can point out where the provision is made in the Bill that he is referring to. If he can do that I am prepared to withdraw my remarks. It is a very singular thing that if the case is as stated by the hon. gentleman from Niagara, the Speaker of this House, who took charge of the Bill in Committee, should have expressed his difficulty in accepting an amendment of this sort.

THE SPEAKER—In clause 32 the hon. gentleman will find a provision for the case of immigrants who wish to reside in communities: in such case the Minister of the Interior in his discretion may vary or waive altogether the requirements as to residence and cultivation on each separate quarter section entered as a homestead.

HON. MR. POWER—That provision would not apply to cases such as those which I have referred to. If you can get a settler who has just entered for a homestead to cultivate 15 acres of his lot during the first year it gives you the best possible guarantee that his settlement is of a *bona fide* character. No man will put that much labor into the cultivation of his homestead and then abandon it. If he does do so, then the country and the Government have the benefit of his labor; if on the contrary a homesteader builds a shanty on his homestead, and resides there for two or three years, and then goes away without making any cultivation the country is not benefited in any way—he simply impedes settlement. The only effect of this amendment would be to prevent forfeiture for non-residence during three months of the first year. There is this other point to be looked at, that under the requirements of the law as it is at present a man need not actually cultivate any of his homestead. He may go and work in Manitoba, or the United States for six months of the year, and then return to his shanty on his homestead, and reside in it during the winter months, and make no improvements; and at the end of a certain time he acquires ownership of his land. A great objection urged by the Speaker against making this concession to men who are generally *bona fide* settlers is that it would encourage speculation. I have been disposed to give all the weight that I possibly could to what was said by the hon. the Speaker. He is, from his position, naturally more familiar with this subject than I could possibly be, or probably any other member of the House; but, after thinking over the subject a good deal, and after consulting with gentlemen from the Province of Manitoba who are interested in having the country settled, the impression left upon my mind was that there was no greater liability to speculation in the case of a man who cultivated 15 acres of his land than there was in the case of a man who resided on his homestead for three months. I do not think that a man who is simply a speculator is likely either to reside, or to get a man to reside on his property for him, and to cultivate so large a piece of the homestead as 15 acres. There is also this significant fact, that the Canadian Pacific Railway Company, who are naturally interested in having that country settled as rapidly as possible, and in having the land disposed of in such a way as to bring

in the greatest number of people, exact cultivation instead of residence. There is a much greater danger that the lands in the North-West will fall into the hands of speculators through other causes than from any such modification as I have proposed in this Bill. For instance, there are large quantities of land, the very best land in the North-West, to the South of the Canadian Pacific Railway, to be sold by auction to-morrow, and they were advertised for the first time only on the 20th of April last. When one looks at the circumstances of the case, it must appear that that is very short notice, and I am given to understand that the advertisement did not contain sufficient particulars to enable intending purchasers to attend the sale with advantage, and with the certainty of getting the land even if they are willing to pay enough for it

I think it is only right to call the attention of the Speaker to another point on which great stress has been laid by gentlemen familiar with the country; that within the mile belt from the Canada Pacific Railway, the condition of settlement should be enforced, because the result of allowing that land to get into the hands of speculators, or into the hands of persons who would not cultivate them at once or build on them, is that people passing through the country on the railway, would have the impression that the land is not cultivated at all. If all those lands were under cultivation, they would advertise the country in a very satisfactory way.

HON. MR. FLINT—I have been somewhat surprised at the remarks of the hon. gentleman from Halifax in reference to this question of the cultivation of 15 acres of land. I do not know that there is any more danger of persons residing upon a place or getting others to do so, making a false oath, than there would be in reference to this 15 acres of land being cultivated, unless the Government appoints somebody to inspect the lands and see whether the improvements have been made or not. There is no other way of providing against pretended settlement.

HON. MR. POWER—The Government are to appoint inspectors.

HON. MR. FLINT—I know something about public lands, and their being granted as homesteads, or sold subject to certain conditions of clearance and residence, and I have known in a great many instances where persons have actually obtained their patents and the patents have been subsequently cancelled in consequence of parties having sworn that certain settlement duties had been performed and certain buildings had been erected, when there had been really nothing more than a little bit of chopping made. It is just as safe to allow the matter to rest as it is in the Bill as to provide that the homesteader shall cultivate 15 acres of his land. If a man is obliged to cultivate 15 acres of his homestead he should be obliged also to live upon it.

HON. MR. POWER—So he is, the next year.

HON. MR. FLINT—I know instances in the back country of Ontario where the Ontario Government have granted lands to individuals upon conditions of settlement and cultivation. They have gone on and built log-houses and chopped down a few trees and then left them. They would return at the end of the year and chop a few more trees so as to continue their possession, and then leave it again. These lands are valuable, and are held by these people without *bona fide* settlement being made upon them. It is a great injury to the country. I do not see that there is any safeguard in saying that a man shall clear his land unless he is obliged to live upon it. If a man does not live on his land he should forfeit it; I do not see any advantage that is to be gained by adopting this amendment.

THE SPEAKER—(Descending from the chair.) I am surprised at my hon. friend from Halifax, persisting in having cultivation substituted for residence as a condition of homesteading. I thought the subject had been so exhaustively discussed on Friday, that the House was satisfied, as the Government is, that residence is really the fundamental condition of homesteading. What could be more in favor of the speculator than the amendment moved by the hon. gentleman? All the speculator has to do, is to hire a man to enter as a homesteader, and not to reside on the lot—not even to pitch a tent on it—but to break and cultivate in the superficial way it is sometimes done, 15 acres? What could be more entirely

in the interest of the speculator and opposed to the interest of the homesteader? Parliament has in its wisdom thought one-half of the North-West country should be reserved for the homesteader, and it is not the wish of the present Government that there should be any departure from that policy. I see by this morning's paper, that some 2,000 emigrants arrived at Winnipeg, during last week. I venture to say that no one of those emigrants would ask for such a provision as this; they will go on to the land and reside there from the beginning. It is only in the interest of the settlers from the old Provinces of Canada that this time arrangement was introduced, because it allows them to go out there and prospect for land, and when they have located homesteads that suit them they return here for their families and their stock. They are the most valuable pioneer settlers we have. They take with them cattle, horses, stock of all descriptions, and farming implements, and time is given to allow them to do that in. It was found that there they were tied to the six months that the six months might elapse in the month of April or March, or even early in May; that was an inconvenient season to compel them to enter the country. Sometimes, as last year, there were floods, and settlers were detained on their way to their homesteads, and would it not have been a monstrous thing to have cancelled their entries because of their being detained by the floods? It is to meet those exceptional cases of those people whose six months elapsed before the first of June that the time was extended under this Bill to that date. I trust the House will agree with me that it would be a most disastrous departure from the principle that has been adopted heretofore to accept the amendment of the hon. gentleman from Halifax.

HON. MR. SUTHERLAND—If I understood the statement of the hon. gentleman from Halifax he said there were no conditions of cultivation provided for in this Bill. I find in the 33rd clause a provision is made for a continuous residence upon the land and cultivation during the term of three years. I think that provision is quite sufficient; it does not impose upon the settler the necessity of cultivating 15 acres or any amount; it is left to the discretion of the Government, because the object of homesteading, as I understand it is, to benefit poor people: there is no doubt that many poor families will go out to that country and settle upon those lands and the heads of the families may be the only persons amongst them capable of doing anything in the way of cultivating the soil, and providing the necessaries of life and it would be a serious matter for them to be compelled to cultivate 15 acres during the first year. I think the Bill as it stands at present is in favor of the homesteader. To many poor settlers even less than 15 acres is more than they can cultivate in the first year. When the Commissioners have the option they will certainly deal favorably with any settlers, whereas they could not do so if we made a cast-iron rule that the settler should have 15 acres under cultivation the first year.

HON. MR. REESOR—As I understand the amendment proposed by the hon. gentleman from Halifax, it does not take away any guarantee that the homestead shall become occupied by the settler, but it is to afford the homesteader the advantage of an additional three months within which to enter the homestead and go into actual residence. I referred the other day to the practical manner in which the colonization companies manage those matters; that some of them had invited parties to take possession of the homestead, and make improvements on them to the value of $100. Four months were given in which to make those improvements, and then they had six months longer in which to begin actual residence.

The effect of that is to give a party a chance to pay his fees for entry and prepare the land for the seed. Then he returns the next spring and, instead of having to wait a year and a-half to get a crop he has a return within four months. I think that is an immense advantage, and there is no possible advantage to the speculator. No speculator who can go to a sale, as he can to-morrow and buy the Government lands, which are advertised, extending over an immense area of country, and get his choice of them at the upset price, will care to acquire lands by homesteading. The Speaker corrected me the other day, or claimed to correct me, when

I said colonization companies held out inducements to homesteaders. He said they had nothing whatever to do with homestead lands. I have no doubt he spoke what he believed to be true. I spoke what I believed to be correct, and I now give the authority for my statement. The following are the regulations of the Farmers North-West Land and Colonization Company, (limited) :—

"WHEREAS it is expedient, with a view to the efficient management and settlement of the even numbered sections within the Company's tract, that certain regulations should govern the entry for, and settlement of the same.

"THEREFORE, the Board of Directors have adopted the following provisions in such behalf:

"1. Any person entitled under the Dominion Land Act to a Homestead right, may, upon application to any authorized agent of the Company, and upon the payment to him of the Government Fee of $10 for a Homestead, (and, if he wishes, $10 for pre-emption), be entered for a Quarter Section for a Homestead and a Quarter Section for pre-emption, in any even numbered section open for entry, but such entry shall be considered as an interim entry only.

"2. Such interim entry shall entitle the person receiving the same to have the land so entered reserved in his favor for the term of four months from the date of such entry, within which time he shall commence improvements thereon, and failing to do so shall forfeit all fees paid and the right to such land, and such interim entry shall be cancelled.

"3. The interim entry of any person who does not, within six months from the date of such entry, make improvements to the value of at least $100 (to be determined by the Company's Agent), upon the land so entered by him, shall be liable to be cancelled, and any other applicant may enter for such land, but if the person making the interim entry shall within the said time have made the said improvements, no cancellation or forfeiture of fees shall be made before the 1st day of June in the year next following such entry, but the said party shall before the said last mentioned date, become a *bona fide* resident settler, or place a *bona fide* resident settler on such land, and make the entry with the Government Agent, and failing to do so he shall forfeit all fees paid by him, and his interim entry shall be cancelled, and any right to such land or improvements thereon shall cease and be of no effect.

"4. All interim entries made with the Company's Agent shall, from and after the final entry with the Government Agent, be also subject to the provisions contained in the Dominion Lands Act.

"5. All interim entries made prior to the date of these regulations shall be considered as dating from the date hereof, and be subject thereto.

"6. The Patents for the Company's lands will be issued subject to, and in accordance with, the Government Homestead Land Regulations and the Dominion Lands Act.

"BY ORDER,
"THOMAS LONG,
"COLLINGWOOD, "*President.*
"March 8th, 1883.

"*Warren H. Pingle, Gen'l Manager, Regina, N.W.T.*
"*James Mulvey, Resident Agent., Longford, N.W.T.*"

Now it will be seen that the conditions laid down by this Colonization Company practically cover the ground so far as that Company is concerned, that is taken in the amendment of my. hon friend. With regard to the authority of the company to make these regulations, of course I know nothing at all. I judge from the face of it, and from the respectable character of the Company and its members. The president, Mr. Long, is a member of the Local Legislature of Ontario. All I can say is that if the Government has not authorized this arrangement, or have refused to authorize it, they have refused what I regard as a very great benefit to the country. I hope that the House will adopt the amendment of my hon. friend, and that the principle will be applied to every homestead throughout the North-West Territories, wherever parties wish to take them up.

THE SPEAKER—I did not say the other day that Colonization Companies did not do so and so, or did not advertise so and so, because on that point I have no information. I do not know what Colonization Companies may advertise, or what they may do to induce parties to settle on their lands. What I said was what they have a right to do. I spoke in the most unqualified terms, and I repeat it now, that they have no right whatever in any way to interfere with the poorest wayfarer, who may be in quest of a home in that country. The first man who goes there and applies for a homestead is entitled to it under the law, and no power on earth can prevent his getting it.

HON. MR. REESOR—Have these companies a right to make such conditions?

THE SPEAKER—No, the agreements they make must be in strict conformity with the law.

The amendment was lost on a division.

HON. MR. POWER moved:—

"That the said Bill be not now read a third time, but that it be re-committed to a Committee of the Whole House, with instructions to amend the said Bill by leaving out the words 'after three years residence,' in the second line of the Thirty-seventh clause."

He said: I am unable to see why a man who has resided for twelve months and cultivated thirty acres of land, or the man who has got a homestead patent in any way, has not as good a right to an additional homestead as the man who obtains it by mere residence.

THE SPEAKER—The hon. gentleman is advancing in his efforts in behalf of the speculator. Whereas in his first amendment he only required that the speculator should have a whole year in which he should only be required to cultivate a small area of land, and not reside, by this amendment, he proposes to dispense with all residence.

HON. MR. POWER—Not at all. The Bill says "any person who has obtained a homestead patent"; I simply strike out the words "after three years residence." The law now allows him to get a homestead another way—by residing twelve months and cultivating thirty acres.

THE SPEAKER.—The homesteader who has only resided one year, and got a patent, is not entitled to a second homestead.

HON. MR. POWER—That is just the question; I do not see why he should not be entitled to a second.

The amendment was lost on a division.

HON. MR. POWER moved,

"That the said Bill be not now read a third time, but that it be re-committed to a Committee of the whole House, with instructions to amend the said Bill by inserting the following after the Thirty-eighth clause:—

"No lands shall be sold, entered for homestead or patented, without such conditions of cultivation as may be ordered by the Governor in Council."

He said:—I think that is a perfectly reasonable proposition. I see in two or three places where homesteading is spoken of, and where the acquiring of land in other ways is mentioned, cultivation is referred to, but no regulations have been made with respect to cultivation. The great object of the Government should be, not only to have those lands sold, and entered for homestead and patented, but to have them cultivated. I suppose that his honor the Speaker will have no objection to stating that the Government will make such regulations as are reasonably necessary to ensure the cultivation of the land in such cases as it may be practicable—that wherever it is practicable, the cultivation of the land will be insisted upon.

THE SPEAKER—I am not prepared to pledge the Government to making any new regulations. I believe the regulations at present in force, are about as perfect as we can make them. It may be found, after the lapse of a little time, desirable in the interests of the North-West, and the administration of the public lands, that further amendments shall be introduced. But all the changes which the Government consider necessary are embodied in this Bill. The Government have power to make such regulations, and if they find any necessary, I can assure the hon. gentleman that they will not hesitate to do so. The effect of adopting the hon. gentleman's amendment would be to close the North-West for four weeks at all events. If it means anything, it is that the Governor-in-Council should make new regulations: if we did so, those regulations, before they could be enforced, would require to be published in the Canada *Gazette* for four weeks, under the amendment which we accepted the other day; so that the whole country would be closed for that time.

HON. MR. POWER—With the consent of the seconder, I shall withdraw the amendment.

The amendment was accordingly withdrawn.

HON. MR. REESOR moved:—

"That the said Bill be further amended as follows: Page 16, line 10.—After 'residence' insert:—

"Provided also in cases where more than half of such homestead is under cultivation when the patent is applied for, then the

Minister of the Interior may assume that residence has been sufficieht without further proof."

He said: My reason for proposing to give the Minister this power is to meet a case when it is exceedingly difficult for persons to act up to the letter of the law. A man may reside five months of the year on his homestead, or there may be cases such as have been mentioned by my hon. friend from Halifax, where a man and his two sons, or a widow and her two sons, may be unable to reside on their several homesteads; under the regulations they would not be able to obtain their titles. They would be obliged to live apart, and each one to spend six months on his own homestead. That would be exceedingly trying during the winter season in that country, especially if they were remote from any settlement. I should look upon it as a most cruel thing, and it is a condition which is not imposed upon persons who are members of a community containing 20 families or more; in such cases the Governor-in-Council has authorized them to live in villages. But even if they formed a village, it would not matter much to each individual member of the family if he had to live in a separate house; but when the villages are formed, all the members of the family may live in the same house, and they do so. In the Mennonite villages that is the case. It is a cruel thing that because we happen to be Canadians, and do not live in large communities, we are obliged to have our families separated—the father from the son, and the mother from her children, when perhaps they are the only protectors, as in the case of the widow.

HON. MR. HOWLAN—Does the hon. gentleman know, of his own knowledge, of any person who has been dispossessed of his land under such circumstances

HON. MR. REESOR—I do not, and I do not mean to say that the Government would dispossess them if the family resided together. I do not think they would; but at the end of the three years they would be unable to make oath that each of them had resided for six months of each year upon his homestead, and without such an affidavit he could not get his patent. The Mennonites are not required to live apart, each member of the farmily in his own shanty, and I see no reason why greater privileges should be granted to foreigners than to our own people.

THE SPEAKER—The hon. gentleman's amendment dispenses altogether with residence; that is the object of the amendment?

HON. MR. REESOR—No, that is not the object.

THE SPEAKER—This is to be added to the exceptions; no residence is required—it is merely assumed. I would just say with respect to the Mennonites, that I have already explained they are a peculiar people, and when they decided to emigrate from Russia to this country, we agreed to give them certain privileges. It was thought expedient at that time, for the purpose of adding a frugal and industrious population to the country, to comply with those conditions. That is the way they were induced to come, but, while they have been successful, I do not think there is anyone in this country, unless it is the hon. gentleman at the head of the room, who would desire to see the system which they have introduced extended any further.

HON. MR. HOWLAN.—Section 33 provides that the number shall not be less than 20 families. In the first place it is the intention of the Government to have the lands of the North-West occupied, and in this Act certain rules and regulations are laid down as to the granting of 160 acres to each settler. At the same time power is given the Government to meet such cases as have been referred to by the hon gentleman, by means of an Order-in-Council. Therefore the Government have all necessary power without any amendment to this Bill.

The amendment was declared lost on a division, and the Bill was read the third time and passed.

INLAND REVENUE CONSOLIDATION AND AMENDNENT BILL.

AMENDMENTS CONCURRED IN.

HON. SIR ALEX. CAMPBELL moved that Bill (115) "An Act to consolidate

and amend the several Acts respecting the Inland Revenue," be referred back to a Committee of the whole House for further amendment.

The motion was agreed to.

HON. MR. ALLAN, from the Committee, reported the Bill with amendments, which were concurred in, and the third reading was ordered for to-morrow.

BILL INTRODUCED.

Bill (U) "An Act to amend the Consolidated Statute respecting Lotteries." (Sir Alex. Campbell)

The Senate adjourned at 4.45 p.m.

THE SENATE.

Ottawa, Tuesday, May 15th, 1883.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

EUROPEAN, AMERICAN, CANADIAN AND ASIATIC CABLE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbors, reported Bill (118), "An Act to amend the Act incorporating the European, American, Canadian and Asiatic Cable Company (Limited), and to change the name of the Company to the American, British and Continental Cable Company (Limited).

HON. MR. CARVELL moved the third reading of the Bill.

HON. SIR ALEX. CAMPBELL suggested that the third reading should be postponed until to-morrow, as he might have some statement to make in regard to it.

The motion was withdrawn and the Bill was ordered for third reading to-morrow.

THIRD READING.

Bill (115), "An Act to consolidate and amend the several Acts respecting the Inland Revenue," was read the third time and passed.

INTERCOLONIAL RAILWAY CONNECTIONS WITH MONTREAL.

INQUIRY.

HON. MR. POWER, rose to call attention to the practical necessity for affording to the Intercolonial Railway connection with Montreal and points West of that city, by a line independent of the Grand Trunk Railway Company; and to ask whether the Government are prepared to give their favorable consideration to a proposal to encourage the construction of such a line?

He said: I have no doubt the members of the House will be very much obliged to me for giving them something to do this afternoon. I do not think there can be any doubt as to the importance of the subject to which my notice refers. It is always desirable where trade is of any consequence that there should be competing lines, whether by water, telegraph or railway communication. There are three results from the absence of competition: the accommodation of the public is generally of an inferior character; the business is delayed, and the rates for the service performed are generally high. That I think is the universal experience. The results of competition are just the reverse. The accommodation to the public is more complete and satisfactory; there is always greater promptness in the performance of the work, and the rates are more reasonable. The people of that portion of Canada, lying east of Quebec, have suffered for a long time from the want of competition. They have had to endure those evils that I have spoken of. It is a thing that is not necessary to urge, because the hon. gentlemen who are familiar with that part of the country are aware that that is a fact. The important point is that the Government recognized some years ago the fact that railway communication with the east was not in a satisfactory condition. Up to the year 1879 the only way of getting from the Intercolonial Railway to Quebec or any point

west of that was by the Grand Trunk Railway. The Grand Trunk owned the road from what is now the Chaudière Junction down to Rivière du Loup. The traffic of the Intercolonial Railway had no other outlet than by that section of the Grand Trunk; and the public and the business of the Intercolonial suffered severely in consequence. The Government recognized that fact, and in 1879 they took steps to acquire that section of the Grand Trunk Railway. The Government at one time thought of constructing a line of their own, so as to give them competition with the Grand Trunk, but they found that they were able to make as good a bargain with the Grand Trunk Railway—to buy out that section from Chaudière Junction to Rivière du Loup at as reasonable terms as they could build a new road; and they adopted that course and paid for that section of the Grand Trunk Railway a million and a half of dollars. That money was paid with the sole object of making the Intercolonial Railway, to a certain extent, independent of the Grand Trunk Railway and giving it other connections. In order to make this quite clear I shall read to the House a few words from a memorandum of the present Minister of Railways, made on the 5th day of May, 1879, and contained in a return brought down to the House of Commons on the 15th of March of this year:

"The undersigned represents that successful operation of the Intercolonial Railway depends in a great measure upon its western connection.

That the portion of the Grand Trunk Railway from Chaudiere Junction to Riviere du Loup, and known as the Riviere du Loup Branch, is in such a dilapidated condition as to impair very materially the traffic of the Intercolonial, and unless placed in proper repair at an early date, will make it impossible for the Intercolonial to compete with other lines for Western through traffic, and will defeat the object which the Government had in view in expending large sums of money in extending the Intercolonial Railway into the City of Halifax, and improving the shipping facilities at that terminus at Richmond."

That language is a repetition almost in the same words of the language used in a previous memo., from the same Minister, on the 11th of January, 1879, in which he said:

"The undersigned has the honor to report that whereas the Dominion of Canada has found it of imperative necessity, in view of the efficient working of the Intercolonial Railway, to purchase the line of the Grand Trunk extending from Rivière du Loup to Hadlow."

So the Government felt themselves compelled, in the interest of the public and in the interest of the Intercolonial Railway which the Government were managing for the public, to purchase this section of the Grand Trunk Railway. But even after this Riviere du Loup section had been acquired by the Government, and had been put into satisfactory working order, it was found that although the work of the Intercolonial Railway was more satisfactory than it had been, things did not go on as well as they might. It was found that the Grand Trunk Railway Company having almost complete control of the traffic of the Intercolonial Railway when it reached Chaudière, delayed the freight of the Government road. I do not wish to be understood as blaming the Grand Trunk Railway at all; I am merely stating the facts—that owing to the fact that there was practically no competition west of Chaudiere the business of the Intercolonial Railway suffered considerably. There were great delays in forwarding freight, and the rates were higher than they should be. The Government were so sensible of these facts that some two years since they decided to take steps to make themselves completely independent of the Grand Trunk Railway. They undertook to do this by making close connection with the North Shore Railway, which, at that time, as hon. gentlemen know, was owned by the Province of Quebec. With the view of carrying out their object the Government decided to construct a short branch of the Intercolonial Railway from St. Charles station to Point Levis, and to operate a ferry across the St. Lawrence from the terminus of the North Shore road on the Quebec side to the Intercolonial terminus at Point Levis. The Government went into the matter in a resolute way, and hon. gentlemen who have not perused the Estimates will, perhaps, be surprised to learn that, for that comparatively short branch, and for the ferry, we find in the estimates this year the sum of $666,000. I do not wish to be understood as finding any fault with the Government in connection with this expenditure. It looks large, but I believe the work was of a very expensive character, and the object that the

Government had in view at the time was a very important and desirable one. But about the time that the Government had committed themselves to the expenditure of this sum of money, and had, I believe, proceeded some distance in the construction of this branch, and had begun to make arrangements for the ferry, what I look upon as, and what I think every hon. gentleman who is able to look at the matter from a public point of view must feel to be, a great calamity happened to the Dominion of Canada. I refer to the sale of the North Shore Railway to certain persons, who have since handed the control of it over to the Grand Trunk Railway Company. It is, I think, very much to be regretted that it should have passed into the hands of the same company who owned the only other line connecting Montreal with Quebec or with Point Levis I have not personally any more friendship for the Canada Pacific Railway than I have for the Grand Trunk Railway; but, if this eastern section of the North Shore Railway had gone along with the western division into the hands of the Canada Pacific Railway, then we should have had in the Lower Provinces and Quebec the benefit of an active competition between two great companies, instead of being, as we now are, completely in the hands of one great Company. I have only one remark to make now in connection with this particular subject of the St. Charles Branch, and the ferry, and that is that, under the circumstances, as the main object of the Government in constructing this branch and establishing the ferry has been defeated by the passing of the North Shore road into the hands of the Grand Trunk Railway Company, there is no reason why the Government should pay the whole cost of operating the ferry between the North and South shores of the St. Lawrence. It seems to me that they are not bound to do anything more than to defray half the expense of the ferry.

HON. SIR ALEX. CAMPBELL—It is all we agreed to do—the Government of Quebec were to do half, and we were to do half.

HON. MR. POWER—It was not enough that the two railways should have passed into the hands of the same Company, but we must all learn with regret that very recently the line of steamers on the St. Lawrence, between Montreal and Quebec, has passed under the control of a gentleman who is known to be a warm friend of the Grand Trunk Railway.

HON. MR. PLUMB—Is that a public Company?

HON. MR. POWER—It is a common carrier at any rate. So that practically the whole of the traffic from Montreal to the east is now under one control. It is hardly necessary for me to say that this state of things is unfortunate for Quebec and all points east of Quebec, and, practically, for all points east of Montreal. In saying what I have said, I do not wish to be under tood as being unfriendly to the Grand Trunk Railway Company. That Company have done great service for this country in the past, and are doing great service for the country still. They are simply acting in this matter as business men. It was a very shrewd and able stroke of business to get control of the North Shore road in the way they did. As business men, I think they deserve credit for it. We cannot expect them to be very patriotic or philanthropic: the more they can get out of that trade, of which they have the monopoly for the present, the better for themselves, and no one blames them for it; but I think it is our duty, as representing the public, to see that the people are served as well and as cheaply as possible. Hon. gentlemen might imagine that in speaking of the delays and difficulties in connection with the business coming east I was exaggerating. In order to remove any such impression, I shall take the liberty of quoting from the evidence taken during the present Session, before a select committee of the House of Commons on inter-Provincial trade. At page 13 of the evidence, I find that Mr. Chipman, a flour dealer in Halifax, who was examined before the Committee, made the following statement: In answer to the question:—

Could freight be reduced much lower by rail?

He replied:—"Competition in freights has placed flour in sack (two hundred pounds) from Chicago to Liverpool at thirty cents a sack, while it cost from the very same point west to Halifax, eighty-five or ninety cents; in other words, we could have brought at

that time flour or meal from Chicago to Halifax by way of Montreal and Liverpool, Great Britain, cheaper than we could have brought it from Chicago to Halifax direct by the Grand Trunk Railway. This is owing to the competition of all through freight west, issuing at Boston, New York, Philadelphia, Baltimore, Portland and Montreal, during the summer of 1881, when the competition was so severe."

I think that is putting the thing in a very striking light. Then, on the next page I find the same gentleman using the following language :—

"We have no railway competitors at present, and even when the Canadian Pacific Railway is completed, as things now exist, their connections with the Lower Provinces have been cut off by the North Shore Railway having passed into the hands of the Grand Trunk Railway, and unless other connections be made from Sorel to Chaudiere, we cannot have much wholesome competition in that line."

In answer to a question by a member of the Committee as to what makes the cost of a living so high in the Maritime Provinces, he says :—

"The extreme rate of freight which we pay from the centres of production in the west, adds greatly to the cost of the breadstuffs. It may be a matter of opinion, but I think Halifax is the dearest place in the world to live in.

HON. MR. PLUMB—A good advertisement for Halifax.

HON. MR. POWER—Then, another witness, Mr. Leach of Toronto, was asked if he had statistics as to the trade between the Upper and Lower Provinces. He replied :

"The number of barrels shipped from Quebec to the Lower Provinces last year was 656,110 barrels of flour and meal in 48 weeks. This is an immense trade, and it struck me that a couple of propellors would help it along. The Grand Trunk is doing a very large business now, more than it can manage, in fact, and there is great detention. There were seventy-five car-loads of flour lying in the yard at Toronto for nearly a month recently, There is a general complaint throughout the West by the shippers."

Mr. Thomas E. Kenny, President of the Merchants' Bank of Halifax, and one of the shrewdest and clearest headed business men in Nova Scotia, made the following statement :

"I will tell you what I heard in regard to the fish trade between Halifax and Toronto. I happened to meet a man who is engaged in this trade, and he said he had just received a letter from a Chicago correspondent to say that he had been obliged to discontinue the fish trade from Halifax, as some of the freight had been forty days in transit from Halifax to Chicago. I am disposed to think the delay was probably west of Chaudiere Junction.'

Further on he says :—

"We attach great importance to the distribution of our coal into the different parts of the Dominion, and that can only be done during the winter months. The agent of one of our coal mines told me some time ago that there was a great block of coal cars at Chaudiere Junction, and when this state of affairs was represented to the Grand Trunk and the Intercolonial authorities, the Intercolonial men offered to send up their own locomotives, if they would let them haul the coal over the road to Montreal and get their cars back. I got this information from very good authority. It appeared to us that the fault was with the Grand Trunk management. This happened within the last five or six weeks. It appears to me to be a most unfortunate thing to be troubled with the Grand Trunk on both the north and south shores of the St. Lawrence."

And he concludes by saying :

"I have often heard complaints from Montreal of detentions. Sometimes freight is forty days coming from Toronto East to Halifax."

Mr. Stark, a grain and flour merchant, of Toronto, states at page 23 :

"I found that there was a good deal of difficulty in the way of developing the trade, partly through there being only one line of railway, which is scarcely sufficient to carry the enormous traffic which is going down there."

And he adds :

"Owing to the connection of the Intercolonial Railway with the Grand Trunk we are entirely dependent on this route for communication between the Maritime Provinces and the Western section. It brings these two corporations into contact, and it is something which a Committee like this one is better able to adjudge upon, and do something to foster the trade without injuring the connections already alluded to. We in Toronto are from 800 to 1,300 miles from Halifax, and in the winter season—more especially this winter—we have found that the delays have been very annoying, and it has taken as long as six weeks to get our shipments through to their destination. This is one of the great obstacles to the trade, and in the summer it frequently takes 13 days, and sometimes it is done in 10 days. The proper time for taking a letter is four days, so that there is an opportunity for great improvements."

He was asked by a member of the Committee

"When the Ontario and Quebec Railway is completed to connect with the Credit Valley

Railway on the one side, and the Great Eastern Railway is completed to Point Levis on the other side, you will have a competing line straight to the terminus of the Intercolonial Railway. Will that cheapen freight?"

His reply was :—

"Of course, if that line is completed we will have cheaper rates."

And he goes on again, in reply ot another question :—

"You have no idea of the annoyances we are subject to. We have exceptionally great difficulties in keeping this trade alive. Recently there were 136 cars of freight in one yard awaiting transfer. The Grand Trunk is not at fault, because all its rolling stock was employed to its fullest extent."

Robert Brodie, a flour merchant, of Quebec, used the following language :—

"I may say the Grand Trunk Railway at present cannot do all the business. We have freight now out about two months from London to Quebec, of which we cannot get any tidings, and there was also quite a large quantity out for a month before I left home. This has been the case all winter. We have now one customer in the town of Chatham, to whom we ship a good deal, and to whom we recently shipped five carloads; and this shipment has failed to reach him, although it has been on the road somewhere for about six weeks. The whole trouble is on the Grand Trunk, the traffic being too great for one line of railway."

He was asked :—

"Do these delays occur only in the winter, or do they occur all the year around?

His reply was :—

"The delays occur mostly in the winter, and it has been worse this winter than ever before. Since the amalgamation of the Grand Trunk and Great Western Railways, they have been forcing more trade over the eastern end, and they have too much to do. A line of propellers, would of course, relieve that in the summer."

Then, he referred to the fact that the Richelieu and Ontario Navigation Company had got into hands friendly to the Grand Trunk Railway Company, and he was asked this question :—

"Do you think that, in the interest of the public and cheap freight, they should all work together?" He replied : "It is certainly detrimental to the public interest for them to work together."

Another witness said :—

"I would represent this: that the Goverment, as proprietors of the Intercolonial, should do what any private corporation would do under the circumstances. I ask nothing but that, and the money voted last year, which is given to the Grand Trunk, really to help them to unite with the Intercolonial, if it were given to our road as a subsidy, it would make the Intercolonial an independent line."

In order to give some idea of the extent of the trade between the Upper Provinces, and the Maritime Provinces, I quote from a letter which was submitted to the committee :—

"Our imports from Canada have increased from $1,200,000 in 1866, to $22,000,000 in 1881."

The report of the committee of the House of Commons recognizes the fact that an increase of railway accommodation was a necessary thing, and recommends meanwhile that some relief be afforded by putting on propellers in the summer. That would be only a partial and unsatisfactory remedy. A commission merchant from Montreal, Mr. Magor, was asked :—

Would it be an advantage to our internal trade if we increased the facilities of our water-ways?

His reply was :—

"I think they have all the facilities they want now. You see the railways drove off the steamers. Previous to the railways, a line of steamers ran down also to the Gulf ports, and they had to stop. Directly you put them on, the railways will drive them off again."

And he says again :—

"I believe that the steamers have not much chance against the railways; the railways everywhere run off the steamers. Of course there is an immense amount of flour brought down by water from certain places, because it is very much cheaper during the summer to carry it by steam, that is where they have no competing railways."

Another witness said, with reference to the propellers, when asked what subsidy the Government should give :—

"The trouble would be the risk. Without a guarantee we would not be safe, for the Grand Trunk might put the screws on the Intercolonial and stop us from getting freight. The Grand Trunk might say to the Intercolonial: 'if you will not give us the freight we will take ours to Portland.'"

I do not wish to be understood as objecting to the subsidizing of these propellers. I only wish to call the attention of the House to the fact that that is an insufficient remedy, because hon. gentlemen will see that it is not necessary to refer to the evidence to show that the line of steamers cannot work in the winter, and it is in the winter the greatest difficulty occurs on the Inter-

colonial Railway. In the summer time there is greater competition by way of Portland and Boston, and also down the St. Lawrence by steamer. The only efficacious remedy for the existing state of things is a line of railway independent of the Grand Trunk Railway, connecting the Intercolonial Railway with Montreal, and through Montreal with points west of that. At the present time a road has been constructed from Montreal as far as Sorel, and I think there are about 130 or 140 miles more to be constructed. The road is to run through a country where it is, I understand, very easy to build a railway; and, if the road from Montreal to Sorel were extended to Point Levis so as to connect with the Intercolonial Railway at that point, the Intercolonial Railway would have connection independent of the Grand Trunk Railway, and a connection which would enable it to do its business in a much more satisfactory way than it does now. The results of the completion of this road from Sorel to Chaudiere would be three-fold. In the first place, there would be the local benefit to the counties of Yamaska, Nicolet, and Lotbiniere, which are amongst the longest settled districts in the Province of Quebec, which would have direct communication, east and west. The next benefit would be to give the city of Quebec and the country around it, the advantage of competition; and then, in the third place, it would secure to all the country which is served by the Intercolonial Railway cheap, prompt and satisfactory railway accomodation. Those are all very important advantages; and I hope that the Government will be able, if not this session, at all events, next year, to entertain in a favorable spirit the claims of this particular road. It cannot be objected to this road that it is local in its character, because, as already indicated, it is part of the great national highway from the extreme east of the Dominion to the extreme west, and it runs all the way through Canadian territory.

HON. MR. PLUMB—How near does it run to the Grand Trunk Railway?

HON. MR. POWER—It varies at different points. In the immediate neighborhood of Montreal and Quebec it converges with the Grand Trunk Railway, but at a point,—say midway between those two places—it is a long way from that Railway. The latter runs down to Richmond, which is a considerable distance from the shore of the St. Lawrence, while the Eastern runs close to the river. It cannot, as I have said, be objected that this road is local or provincial in its character; although even if it were this Parliament in the past has subsidized roads that were purely provincial. For instance, last session there was a subsidy granted to the Quebec and Lake St. John Railway, and to two or three other lines of a provincial character.

Hon. members have had placed on their desks a statement from the promoters of another road—the great American and European Short Line railway—asking for a very considerable subsidy. Now, that road stands in a totally different position from the line of which I have been speaking. In the first place, it runs for a great many miles through the State of Maine; and the policy which this Parliament adopted in connection with the Canadian Pacific Railway was to insist upon our roads running exclusively through our own territories; and the Intercolonial Railway was located where it now runs, with a view of keeping away from the American frontier. I think upon that ground there is some objection to subsidizing a road which runs through a foreign country, and which in case of war would be at the mercy of that foreign country, or the traffic over which could be seriously interfered with if that country was not friendly, and did not choose to make satisfactory bonding arrangements. The great objection, however, to subsidizing that road is that it would compete with, and take away business from the Intercolonial Railway. The Government have spent enormous sums of the money of the people of Canada in constructing, maintaining, and improving the Intercolonial Railway. I suppose that if one were to say fifty million dollars it would not be very much out of the way. I suppose from first to last the Intercolonial Railway has cost that much. Under these circumstances it would be exceedingly bad policy for the Dominion to subsidize a road, the only effect of which would be to take away business from this Government line which has cost the country so much. Furthermore I do not think that a subsidy to the short line, that is from Montreal to Moncton, is

necessary. That road has certain commercial advantages which will insure its completion by private enterprise. Private capital is even now engaged in its construction. What I say, however, does not apply to the Cape Breton section of this short line. That section runs from the Strait of Canso eastward, and instead of taking away business from the Intercolonial Railway, as the western section of the line would do, would prove a feeder to our national highway; and inasmuch as the Island of Cape Breton has in the past received nothing at all in the way of railway subsidies, and very little in the way of subsidies of any kind, I think there can be no objection to the comparatively small grant which was asked for that section of the road; and I am glad to be informed—as I have been this afternoon—that the Government are disposed to grant something to the Cape Breton section of the line. I am sure that is an expenditure which hardly anyone will find fault with. I have already said what I think about the Great Eastern Road, and I just wish to say again, that whereas the Short Line road, or at least the part of it from Richmond, or thereabouts to Moncton—will compete with the Intercolonial Railway, the Eastern Railway; will be a feeder for the Intercolonial Railway; and I think the Government will be justified in assisting, and that to a certain extent it is their duty, if it be found necessary, to assist that railway in some degree—to grant some assistance towards that road, or a line following the same general course.

HON. MR. ALEXANDER—I am sure that the representatives of the Government in this House ought to thank my hon. friend from Halifax, for having as he has already observed, placed before us a question for discussion to-day, and if I am not out of order I would observe that, it is simply a farce the way in which the public business is now brought before us. As representatives of the people we have been here now for upwards of three months. The first six weeks of the session we had scarcely any thing to do, and now we are approaching prorogation with the most important bills still unconsidered. Our members are daily leaving for their homes so that such bills will not be brought before us until after half the members have gone away. Could anything be more absurd than the way in which the Senate of the Dominion is now conducted? Remonstrances have been made session after session, but unless the representatives of the people and the members of this chamber adopt some other course of action the Government will continue to treat Parliament and the country in the same manner.

I would now observe that I am not of the number in this Chamber who would discourage the hon. gentleman from Halifax from taking so active a part as he does; I am not one of those who think he is encrocaching on the time of this House when, in discharge of his duty, he brings up for discussion certain questions of public interest. I cannot forbear to observe that certain members of this House do not at all times shew that courtesy and patience which every member of Parliament has a right to expect. The same two or three parties used to honor me with the same sort of attention, but I suppose they found that I disregarded such attention, and they have now turned their thoughts to a younger member of the House who devotes himself to his duties with great application, and whose amendments to Bills have been often accepted by the leader of the Government. As to the Grand Trunk Railway it is very much in the same position as every other railway in the Provinces of Ontario and Quebec. It is an unfortunate thing that of all the lines which have been built in Canada, we cannot name one except the Great Western Railway, which has paid any dividend to its shareholders. No doubt the capitalists who invested their money did so in expectation of a return for it, but while we have received great benefit from those investments the shareholders have lost their money. In the case of the Grand Trunk Railway, for a long period, it had to pass through a trying ordeal. If Sir A. T. Galt had not one winter, as Minister of Finance, advanced $50,000 to clear the road of snow, the traffic would have been stopped, so utterly prostrate was the financial condition of the Company, notwithstanding its able management at that period. Then again they required to raise $2,000,000 for steel rails and other equipments on the road, and if that had not been done, at that subsequent period, not only

all the share capital, but certain preference bond-holders of that day would have been sacrificed, and the road would have passed into other hands. That Railway under able management has been struggling on under great disadvantages. Our experience has been that no small road has been able to sustain itself. We find that the larger roads are absorbing the small ones, because they could not possibly be run without loss. Under these circumstances, the hon. gentleman has doubtless ground for many of the arguments he has used, but what are managers of railways to do? They are placed in their positions to keep their roads in proper order. They must try to meet the interest on the bonds, and they try to manage such roads upon commercial principles, as a merchant manages his business. With regard to the suggestion of my hon. friend, that there ought to be a second road between Quebec and Montreal, perhaps the Grand Trunk Railway might be disposed to sell that portion from Quebec to Richmond, and it would only be necessary then to complete the connecting link from Richmond to Montreal. But this might not meet with the approval of Parliament.

HON. MR. KAULBACH—The hon. member for Halifax has shewn the House what I would like to have shewn myself; the great loss we have sustained in the Maritime Provinces by having the Grand Trunk Railway take possession of the road from Quebec to Montreal; instead of ameliorating the existing condition of affairs, the difficulties of which we complain have been increased. I felt then, at least for a time, that we were at the mercy of the Grand Trunk Railway, and I would now express the hope that the Government may by some means or other have a line independent of the Grand Trunk Railway. I should have been glad had the Canadian Pacific Company undertaken that railway, as it would have been better than to have it built by the Government. It has been said that the Canadian Pacific Railway, in order to have an independent competing line, may find it necessary to go down to Point Levis, and as I said before I think that would be the best thing to be done. I am not prepared at present to say anything definite about the American and European short line railway, but a petition is now, I understand, before the Government. It certainly would be a very short railway, not more than 760 miles from Montreal to Sydney, Cape Breton. There are a great many things to be said in favor of the scheme—indeed the preponderance of argument is in its favor. I do not believe it would divert trade to any part of the neighboring Republic, but rather in the contrary direction, and I should be glad to see the Government give some consideration to that part of Cape Breton. They have long been asking for railway connection, and if anything could be done by the Dominion Parliament to give them close connection with the Intercolonial Railway I think it would be a great advantage to them, and such a road would prove a feeder, instead of the reverse, to that line.

HON. MR. POWER—I would just say a word with respect to the suggestion made by the hon. gentleman from Woodstock. He suggested, I believe, that a proposition has been made—I do not know whether by the Grand Trunk Railway or not—and has been discussed, that the Government should purchase the Grand Trunk Railway line between Chaudiere and Richmond. I sincerely hope that the Government will not entertain a proposition of that sort, because the very same thing would happen then which has happened—the Government would find themselves just where they have found themselves already in connection with this matter. It would cost more money to purchase that section of the Grand Trunk Railway than it would require to secure the completion of the road from Point Levis to Sorel, and the difficulty would be that when the Government got to Richmond, they would be just in the same place as now; in fact they would be more at the mercy of the Grand Trunk Railway, and that road would have much greater inducements, under those circumstances—if the Government owned the road to Richmond—to divert traffic from the Government road. At present the mileage on the Grand Trunk Railway between Montreal and Portland is very little, if at all, greater than the mileage between Montreal and Point Levis *via* Richmond; but, if the Government purchased the northern branch of the road from Richmond, then the Grand Trunk

Railway would have all their mileage the other way, and none that way; and they would have every inducement to send their traffic by Portland instead of by the Intercolonial. I trust, therefore, that if such a thing has been before the Government they will consider the objections to it.

HON. MR. HOWLAN—Time certainly makes great changes. I remember distinctly that during the first session I had the honor of occupying a seat in this House, the hon. gentlemen from Woodstock read to the Senate a long column of figures finding fault with the Government for continuing the Intercolonial Railway. I daresay hon. gentlemen will remember that for session after session, at that time, the Intercolonial was not paying, and the Government was found fault with because of the large expenditure which that road entailed. I am glad however to find that the hon. gentleman from Woodstock has so changed his views upon this subject, that he is not only satisfied with the Government management of that line, but that he is even anxious that the road should be further extended. I congratulate him upon his change of base.

HON. MR. ALEXANDER—I think the hon. gentleman misunderstood me. I did not propose that the Intercolonial should be extended westward, but I merely suggested, in order to meet the views of the hon. gentleman from Halifax, that an effort might be made to buy that portion of the road to Richmond; then, if it were found necessary in the interest of commerce, we could continue the line to Montreal.

HON. MR. REESOR—This discussion suggests some important considerations in regard to our railway system. Various large railway companies are now monopolizing, and taking up the smaller companies, so as to leave the public without railway competition. There is this, however, to be deduced from that condition of things, that some other means must be provided by which the public may not only be fairly served, but on equitable terms. Either a railway commission will have to be established, or the Government will have to take the matter in hand, and impose proper rules and regulations; if that is done, I do not think the public need suffer. So far as the Grand Trunk Railway is concerned, it has not only been of immense service to this country, and done a great deal towards developing our interests, but since that company has been absorbing many smaller lines diverging to the North from its own line at various points from Belleville westward, these feeding lines have actually been managed with more advantage to the public, and the public have been better served than was the case when they were independent lines. At the same time, so far as the North Shore Railway is concerned, I certainly was amongst those who had wished that that road had fallen into the hands of the Canadian Pacific Railway. Then we would have had two great main trunk lines through Canada, that would have afforded a reasonable degree of competition against each other, and a rather greater degree of security in regard to the rates of freight and travel over them. But as that is not the case, and as the large lines are continually absorbing the smaller ones—and as I said before doing very good service in that direction—all that is requisite is that the Government should see that the freights upon those lines are of a reasonably fair character. At the time the Pacific charter was granted, I was one of those who opposed, particularly, the giving control of the line from Thunder Bay to Winnipeg to that immense company and I still think it was a mistake. I think the line from Winnipeg to Thunder Bay should have been an independent one, under the control of the Government, and that the Government should have allowed running powers to any company or parties who chose to ship over that line. That would have given the North-West an independent outlet, at least during six months of the year, which would have been an immense benefit to that country. However, as that is not the case, the next best thing to be done is that, either through a commission or directly by the Government, it shall be pressed upon the companies that the freights upon all these roads should be of a reasonable character, and that their duties as public carriers should be promptly and carefully performed; if that is done, I think there is rather an advantage in a long line of railway. It would not require transhipment over two or three different roads, in order to cover a thou-

sand miles, and in other ways there would be immense advantages, if the lines of railway were few, of greater length, and under proper supervision and control; and I would express a hope that the Government will consider that view of the question, and continually keep it in view, so that neither one company nor the other shall impose high rates.

HON. SIR ALEX. CAMPBELL—The hon. gentleman from Halifax has gone with discriminating steps amongst the Railway and Steamboats Companies, anxious not to injure any of them, which must be a source of great consolation to them; but he can hardly expect that I can give him any reply to his question. That question is, whether the Government intend to grant any assistance to railways on the south shore of the St. Lawrence. The Gouernment have no intention formed on that subject, and I cannot think that my hon friend has any idea we could give him an answer about it. He has had an opportunity of placing his views before the public and the public will no doubt form an opinion of their value, as we do. Some of his views, no doubt, are rather important, and some perhaps not quite so much so. I cannot, however, give him any answer in reply to the question he has put.

The Senate adjourned at 4.30 p. m.

THE SENATE.

Ottawa, Wednesday, May 16, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

EUROPEAN, AMERICAN, CANADIAN AND ASIATIC CABLE COMPANY'S BILL.

THIRD READING.

HON. MR. CARVELL moved the third reading of Bill (118), "An Act to amend the Act incorporating the European, American, Canadian and Asiatic Cable Company (Limited), and to change the name thereof to 'The American, British and Continental Cable Company (Limited)."

HON. SIR ALEX. CAMPBELL—I asked yesterday that this Bill might be postponed until to-day, intending to make a statement to the House upon the subject. I do not know accurately, or very accurately, what passed before the Committee: but I understand that a statement was made there by Mr. Gisborne an officer of the Government, in such a way and in such language as to induce the Committee to believe that he spoke by the authority of the Government, and that he had caused certain cablegrams to be sent to Europe, and had received certain replies, and was acting all the time either at the instance, or with the approval, or with the knowledge of the Minister of Public Works. I am asked by the Minister of Public Works to state that Mr. Gisborne never with his knowledge, or by his authority sent any communication to England; that whatever was done in that way was done without his knowledge, and without his authority; and further that the statement made before the Committee, as I understand, by that officer, was not one which as reported to the Minister he can in the least concur in: that his views and opinions are not those which were represented to the Committee by that officer as those of the Minister of Public Works. I do not know what weight the evidence of Mr. Gisborne may have had on the Committee, but on the part of the Government I desire to repudiate the statements which have reached our ears as to what was stated by that officer. Those were not the views of the Government. No instructions were given, and no knowledge existed on the part of the Minister of Public Works with regard to what was done as to those cablegrams and communications to and from England. I understand that the Committee by a large majority decided in favor of the Bill, and I have no motion to make in respect of it. This repudiation of what I hear has been stated by Mr. Gisborne I am asked to make distinctly.

HON. MR. CARVELL—As one member of that committee present when Mr. Gisborne made his statement before the

Committee I do not know that I can recall word for word all that passed, but in substance it was this: I may say at the outset that the Committee did not understand Mr. Gisborne as making a partisan statement at all. He said he had no interest whatever in this Bill or in the Company; that his whole interest was that of the Government; that if this company succeeded in carrying out their plans, a cable from Sable Island to Nova Scotia, which would cost $120,000 in the first instance, would be saved to the Government, besides the cost of working and maintaining it; and that any correspondence he had received in connection therewith he had immediately placed under the notice of the Minister. Beyond that I do not remember just now anything further that was stated.

HON. MR. ALLAN—As another member of the Committee who was present and took part in the proceedings I desire to state explicitly that Mr. Gisborne in his statement, and in his evidence before the Committee, certainly made the impression upon me (and I think he made it upon the majority of the Committee, and it was one ground on which the Committee attached so much weight to his evidence) that the letters and telegrams which he quoted had been sent by him with the approval and with the knowledge of the head of his Department. I think I may say this without any fear of contradiction. He further stated, while declaring that he had no private interest in the matter, that one chief object which he had in view was the very thing mentioned by my hon. friend on my left (Mr. Carvell) to serve the interests of the Government—as if he were speaking in the interests of the Government in respect to the laying of the cable to Sable Island, and I have no hesitation in saying that the preamble of the Bill was in a great measure proved from the effect of Mr. Gisborne's statement. Mr. Gisborne's statement necessarily had a good deal of weight with the Committee. I opposed this Bill at its second reading on this simple ground; that whereas some two or three years ago in consequence of certain communications made by Mr. Fleming to the Government of this country, the Government introduced a bill by which they authorised Mr. Fleming and any other persons whom he might associate with him to organize themselves into a company for the purpose of laying a cable across the Pacific Ocean; while that first Bill was before the House the charter of the company whose name we are now asked to change was introduced here at the last moment—at the very end of the session, as the dates will show—and an amendent was introduced into that Bill authorizing this Company to lay a cable across the Pacific Ocean also. That amendment was made in the other House and was brought up here and passed almost at the end of the session. I am perfectly safe in saying that a very large number of gentlemen who were present when that Bill passed with that amendment in it, were not aware of the nature of it. Of course the effect of introducing that clause into the Bill was simply to block Mr. Fleming and the enterprise which he had in contemplation. I need scarcely say that hon. gentlemen will not for one moment maintain that it is at all a probable thing that two companies will set to work at the same time to lay down two cables across the Pacific Ocean. The result has been that nothing whatever has been done by either company in that direction. The Company whose Bill is now before us, with the cha ter obtained here, have been endeavoring to raise the necessary capital to carry out the purposes for which they were organized. They have entirely failed to do so, and the return placed on the table of this House last session shows that their efforts were far from being attended with success; and not only that but a great many of the statements which were made with regard to that Company were not borne out by the facts. There is nothing in the evidence given by Mr. Gisborne the other day, or in the evidence given since, to change my opinion with respect to the company or the probability of their carrying out the work for which they were incorporated.

The hon gentleman from Ottawa took occasion on the second reading of the Bill to go at great length into the evil of monopolies and brought up the everlasting subject of the great cable monopoly across the Atlantic. I do not see what that subject has to do with the laying of a cable across the Pacific, but we have been told, and the minds of members have been sought to be prejudiced by the

assertion, that in opposing the present Bill we were assisting this great monopoly which the hon. gentleman has always thought it his duty to attack. I do not see that that question is involved in this one at all, but the hon. gentleman says that the machinations of this gigantic company prevented the European, American and Canadian Cable Company from going into operation.

HON. MR. SCOTT—Hear, hear.

HON. MR. ALLAN—We are not here responsible for that, and there is no reason why hon. gentlemen who conscientiously believe that this Bill ought not to pass in its present shape, and who believe that the extending of the time (I think a most unreasonable extension) will be to block both enterprises—I do not see why they should be supposed to be acting from any other motive than a desire to discharge their duty to the public. Those are my reasons for opposing the Bill, and with respect to what has been said with regard to Mr. Gisborne's statement, I do not think there is anything that I have stated as to the way in which he put it and the effect it had upon the Committee, which is not strictly in accordance with the facts.

HON. MR. ALEXANDER—I do not think that the observations which fell from the hon. gentleman who has just taken his seat ought to be allowed to pass unchallenged by other members of the committee who were present. The hon. gentleman calmly stated to this House that if it had not been for the evidence given by Mr. Gisborne the majority of the Committee would not have reported as they did.

HON. MR. PLUMB—He did not say so.

HON. MR. ALEXANDER—Now, if Mr. Gisborne had not appeared before that Committee at all, I believe a majority of them would have reported upon the Bill as they have done. We had a very formidable appearance of opposition to the Bill on the part of one particular member aided by a solicitor, acting on behalf of a certain gentleman of Ottawa, and one would have supposed at first that the Bill would be thrown out; but it transpired that the hon. gentleman and the solicitor to whom I have referred, (a gentleman of the legal profession highly respected), were acting to represent the interests of Mr. Fleming, and they endeavored to show that the granting of this legislation would interfere with the chartered rights which Mr. Fleming had obtained to construct a cable across the Pacific Ocean. Those were the chief grounds of opposition from that quarter. Then, there appeared to be opposition because of the rights of the New Foundland Cable Company.

HON. MR. PLUMB—Who was that?

HON. MR. ALEXANDER—I do not remember now who the party was who appeared, but the remark was made by a member of the Committee, that "this was a dog-in-the-manger opposition."

HON. MR. ALLAN—Perhaps the hon. gentleman will state who did appear for for that Company.

HON. MR. ALEXANDER—The hon. member from Prince Edward Island will recollect. At all events, one member of the Committee remarked what I have now stated. The two interests opposed to this Bill were Mr. Fleming on the one hand and the Cable Company on the other.

HON. MR. PLUMB—Who appeared for the Cable Company?

HON. MR. ALEXANDER—Perhaps some member of the Committee will rise after me and state how that interest was advocated. When the vote was taken, instead of the Committee being strongly hostile to the Bill we found that only two members opposed it. The hon. gentleman from York tells the House that but for the evidence of Mr. Gisborne the Committee would have thrown out the Bill.

HON MR. ALLAN—I must correct the hon. member. I did not make any such statement. I said I had no doubt whatever that I was perfectly correct in stating that the evidence of Mr. Gisborne, given—as it was, apparently—with all the influence of an official representing the Government to a certain extent, had had a very great influence upon a majority of the Committee.

HON. MR. ALEXANDER—I am not here to judge of the motives of Mr. Gisborne. All I can express to the House is how Mr. Gisborne impressed me: and he appeared to me as a public officer acting in an official capacity doing everything he could in the public interest to furnish information. I did not understand that he appeared on behalf of a member of the Government or that he had been instructed by the Government to take the course which he pursued. The recollection which I have is that he as a public official in his department took steps to get information in the public interest which would lead to a very large saving to the Government of the country.

HON. MR. KAULBACH—At the instance of his Minister.

HON. MR. PLUMB—He said at the instance of his Minister.

HON. MR. ALEXANDER—The leader of the House has made a statement with regard to that public officer, and I do not know whether he meant only to clear the skirts of the Government, or whether he wished this House to infer a sort of fraudulent effort had been made to sway that committee to report in favor of the Bill. What really is the position of this company? We certainly have evidence that they were men of substance in the City of London whose names appeared on the prospectus; but suppose they had been less wealthy, what harm can accrue from granting this charter at the present day when we are incorporating railway companies, and other companies without number in the public interests? It is said that this is a charter intended for sale. If so does anyone suppose that capitalists in Europe will purchase this right when they could come directly to Parliament, because it is stated that they will have to assume certain liabilities already incurred? I merely rose from a sense of duty to state my impression of what occurred in the committee.

HON. MR. DICKEY—I do not intend to enter into this side issue which has been raised, as I was not present, but as my hon. friend who had charge of the Bill at the second reading kindly intimated that none of us would be committed to the principle of it, but would be perfectly free to discuss this question at a future stage after it came back from the committee, perhaps I may be allowed to answer the extraordinary argument which was addressed to the House by my hon. friend from Ottawa on a former occasion. I had no opportunity of doing so then, having already spoken, and he was kind enough to occupy the attention of the House immediately after I sat down.

Now, the hon. member for Ottawa, seems to have—he will excuse me for saying it—monopoly on the brain. This speech of his, in which he rang the changes on this Hydra-headed monster, monopoly, we have heard several times in this House. We have heard it twice this session, and I have heard it half a dozen times in all. The very fact of this Act of his being on the Statute Book, is the best answer which can be furnished to that cry of monopoly. There is no such thing as a monopoly of cables across the Atlantic, nor do the Anglo-American Company, claim anything of the kind. Then why should they be charged with having a monopoly and trying to maintain it? It is quite true in the origin of this great enterprise, which has conferred so much benefit on Canada and upon the world, it was found necessary in the Island of Newfoundland, to give them an exclusive right for 50 years to the landing of cables there. But for that exclusive right which was given them, that cable would never have been laid. We know that three or four unsuccessful attempts were made to land the cable, and would any association of capitalists in their senses have undertaken such a gigantic enterprise if, after having proved its feasibility and made it a success, they could be met a year afterwards by competing companies landing cables on the shore of Newfoundland? But that is a question with which we have nothing to do; it is not the question before us to-day.

There is no monopoly over the Atlantic ocean and we have already decided very effectually in this House and Parliament, that there is no monopoly as to the landing of cables in Nova Scotia. We have heard a great deal about this monopoly and the changes have been rung upon it in connection with other monopolies, so

called. The Grand Trunk Railway Company, has been referred to as a great monopoly. Now, I undertake to say that if that Company be a monopoly it has conferred vast benefits upon Ontario and Quebec. We have had the Canadian Pacific Railway spoken of as a most odious monopoly, but we know that the Company has within the short space of two years conferred immeasurable advantages on Canada; it has introduced a large population and increased the resources of that great heritage of ours in the Northwest, and yet, it is constantly attacked as a monopoly. I am not ashamed to say that I have no sympathy with some persons who, after inducing British capitalists to invest their money in this country to develop its resources, are constantly attacking them and endeavoring to take away all the benefit which they expect to derive from their investment.

I think upon reflection the House will agree with me that it would have been better if my hon. friend, instead of taking that line, had attempted to answer the arguments which I ventured to address to the House; and I am in the judgment and recollection of the Senate when I state that my hon. friend undertook to answer not one of them. I called his attention to the fact that his Company had no case, no claim, no *locus standi* before Parliament, because they had not even organized. I stated that I did not know, nor do I now know, what steps they took, but I called his attention to the fact that the statute which incorporated them pointed out the mode in which they should be organized and I asked whether that had been done. I called attention particularly to that but received no answer. Their capital is fixed at £1,500,000 and so soon as 25 per cent. of that stock shall have been subscribed and 20 per cent. thereon paid up—that is to say so soon as £375,000 are subscribed and £75,000 paid up—the provisional directors, amongst whom are the Petitioners whose petition my hon. friend, the promotor of the Bill on a former occasion referred to (a majority of them gentlemen resident in this country) may call a general meeting at some place in London England or some place in Canada, giving at least three months notice in the Canada Gazette, and then it goes on to direct that they shall form a Board of Directors. Now, this is the initiatory step, which, so far as I know, has not been taken. Under those circumstances, after the two years have expired, the Company come to Parliament—having failed in perfecting their organization, having failed in taking the initiatory steps towards that organization, and having failed to commence operations, they come to this House and ask for this legislation. I do not intend to enlarge on it, but I wish to call the attention of the House to the fact that the hon. member from Ottawa does not pretend to deny that Mr. Fleming is the pioneer of the Pacific cable enterprise. He has not ventured to deny that the effect of the amendment made in the House of Commons would certainly be to prevent any other company, from undertaking the project, for the simple reason that they would find the field already occupied by a company holding a prior charter. He has not ventured to deny that if one cable be laid across the Atlantic from Europe to Sable Island within four years it preserves the charter of the company for all time, and that any company desiring to establish cable communication across the Pacific will be met with the same difficulty twenty, thirty or fifty years hence until that matter is settled. That is one of the elements in this question which has escaped the notice of some hon. gentlemen, and I think it is right to press it upon the attention of the House. My hon. friend has not endeavored to meet the argument which I advanced that this Bill, though it is called a very innocent one—only a change of name—is a recognition of the existence of that company, whether they have taken any steps to commence organization or not. That argument has not been met.

My hon. friend has not ventured to deny that as the Act which is now before us proposes to strike out the word "Asiatic" from the title, it is a logical sequence that we should strike out the powers in that Act which are connected with that name. He has not ventured to grapple with that argument and the reason is, perhaps, perfectly obvious. I would just remind the House that if it may be called a very innocent Bill, merely proposing to amend the title, the power is left in it to lay a cable across the Pacific to Asia. If we pass the Bill in its present shape the effect of it may be to mislead capitalists and

give rise to very great inconvenience. I do not think we ought to be asked to be responsible for that. Either this Company desires to lay a cable across the Pacific or it does not. I assume that it does not because we are asked to strike out of the title the word which refers to that enterprise. Therefore, I think it would have been fairer and better for the hon. gentleman to say at once "there is a difficulty in keeping that title in the Bill. We find that it leaves the scope of the Bill too large to make it convenient for us to operate it in the London money market and therefore we shall be content with the original powers asked by us when we came before the Senate and asked for a title which represented only those powers." The hon. gentleman says that I attacked this Bill on a former occasion. I corrected him when he conveyed the imputation that I had said there was a fraudulent proceeding here. But my hon. friend, when it comes to his turn, is not so particular and I believe on reflection he will feel it his duty to make an apology to the House for the terms he ventured to apply to the Anglo-American Company. In his speech he ventured to charge them with forgery. It is just as well to remind the House of the fact, because it shows the inconsistency of the argument which he used on a former occasion. He said:—

"As an illustration of the extent of the hostility of the Anglo-American Company to this enterprise I may state that some six months ago it was announced in a cable despatch that the principal subscribers of the stock of this Company had withdrawn their names, and had taken up their subscriptions from the Bank. I was amazed; I saw that the scheme had gone under, and that the Anglo-American had at last triumphed absolutely. It was not until a letter went over from this side and an answer came back, that it was discovered the statement was absolutely false, a forgery of the Anglo-American."

HON. MR. SCOTT—Hear! hear!

HON. MR. DICKEY—It is strange that the hon. gentleman should say "hear! hear!" when it is within the recollection of the House that he had answered it himself five minutes before. Here is his own statement: that Mr. Chase and a Mr. Green had subscribed amounts representing £1,200,000, and he then goes on to tell us that these people were so influenced that they backed out of the enterprise, and he adds:—

"Those gentlemen who signed the petition were frightened and driven from this Company by its opponents; then another body of gentlemen came in and subscribed, and a large number of them were also frightened and forced out of it by the Anglo-American Company, one of the most powerful combinations in existance, in connection with the Globe Construction Company, which constructs largely the cables of the world, and is at this moment one of the most powerful moneyed institution in London."

Now, my hon. friend had furnished already the antidote for the poison which he discharged against this company. It was a serious charge to make in the Parliament of this country—one for which he knew he could not be made responsible by the company against which it was made.

But my hon. friend is a little unfortunate in some other statements of his. I need not quote from his own remarks in the official report, but he stated most distinctly that this restriction of rates was introduced in the Senate, and he quoted the very words of the charter, and added: "This is the only company expressing its willingness to accept in their charter the clause introduced in the Senate." I undertake to tell my hon. friend that he has no ground whatever for that statement. That provision was not introduced in the Senate. but was incorporated in the Bill by the promoters of it in another place, in substitution for a provision of the Senate which was struck out of the Bill.

HON. MR. SCOTT—The fact that it was in the Bill was my point.

HON. MR. DICKEY—It was not only a mistake in statement, but it was essentially a misleading statement, as regards the merits of this Bill and the amendments that were introduced. The point was that those amendments were never discussed in this House—that there was no opportunity, apparently, given for discussion. Hon. members who are here long enough to recollect, will remember that when this Bill was in committee, an amendment was made to this effect, on the motion of the lamented Hon. Mr. Gibbs:—

"To leave out all the words after 'be,' and insert 'Committed to a Committee of the Whole House, with instructions to add a clause thereto restricting the maximum rate

to be charged by the said Company to 50 cents per word on every message sent over its lines from any point where messages are received in Canada, as far west as Ontario, to any point in Great Britain, and *vice versa*."

Then on the third reading, my hon. friend, to show that he could not have forgotten it, brought up a resolution to strike that out, and that resolution was voted upon; here are the words:

"Provided always that the charge for cable messages shall not in any case exceed 50 cents per word from points in Canada as far west as Ontario inclusive where such messages are received to any point in the United Kingdom of Great Britain and Ireland, and *vice versa*."

That was voted upon, and it was lost on a division of 18 to 29, in this House. The Bill went down in that shape, and it came back to us, as I am prepared to show, from the minutes, with that provision struck out and the following substituted:—

"And the said Company shall be subject to such rates as may from time to time be approved, and may be altered from time to time by the Governor-in-Council."

That was the way that that got into the Bill. But the point I wish to call the attention of the House to is that the protection we were enabled to give to the public, by creating a maximum rate of tariff between any point in the west of Ontario and any part of Great Britain was taken away by the amendment which was carried in another place. We who voted for that considered it a very important provision, but it got out of the Bill in that way. It may be said "What better would you want than to have the Governor-in-Council impose the rates?" In the first place my answer is this: we thought it better then, as we thought it better last session when we took a similar course and limited the Great North Western to a maximum rate, that the people of this country should know the highest they would have to pay, and that they should not leave it to any Government to establish rates for them. But my hon. friend will recollect what took place in 1881. He was then content to strike out this clause which protected the public, and take power to leave it in the hands of the Governor in Council to impose those rates. But hon. gentlemen will recollect the state of affairs in 1881. We had then the cry against this terrible national policy; that it was going to ruin the country; and we had the cry against this odious "monopoly" of the Canadian Pacific Railway, that they were going to ruin the country; and the hon. gentleman will recollect that this was just twelve months before the general election—before he could get his cable manufactured—and he felt, no doubt, that his party would come into power, and they would have an opportunity of settling those rates themselves. I have no doubt it influenced his mind in accepting it as a substitute for a fixed, known rate that could not be exceeded, and in that way it crept into the Bill and if this House had had an opportunity of passing upon it in a few days after giving a vote directly to the contrary it would not have been in the Bill. But it is taken out of it now and the protection to the public is abolished, Under these circumstances I think it does not become the promoters of this Bill to say that every consideration has not been given to them. I do not intend to occupy the time of the House. As the Railway Committee have, acting under a misconception, as has been clearly shown to the House, passed this Bill or undertaken to pass it, I shall not ask the House to divide on the point, but I thought it right to take this opportunity of defending the position that I then took in common with many friends about me, and to show clearly that had the matter been properly understood the result would have been somewhat different.

HON. MR. SCOTT—I do not know that it is very important that I should go into any historical retrospect of what occurred two years ago, as my hon. friend has done. I think the matter has been very fully discussed. He has endeavored to make a point upon this question of rates: well, I stand corrected if the change was made in the other House, but it is a matter that in no way affects the question now before Parliament, whether it was a better policy for Parliament to fix 50 cents, or to allow the Governor-in-Council to fix the rate. The hon. gentleman, in a very facetious manner, has given me credit for introducing this amendment with a view to a change of Government, but I thought the argument so far-fetched that it was too ludicrous to advert to. The changes made in the Bill are entirely of a domes-

tic character, affecting no outside persons and no corporations beyond itself, and this is the first occasion on which I have ever known Parliament, to hesitate about granting any company, already in possession of a charter, the right to alter some of its details, which in no way affect the outside public. The hon. gentleman has said that while this Act is in force, it in some way retards other companies from laying a cable, but I deny that *in toto.* Two years ago a Bill went through *pari passu* with this; both were discussed largely in the Press, and in the House of Commons, more particularly than here, and it was quite open to the gentlemen who were associated with Mr. Fleming, if they thought that time a fitting one, to have gone on and laid their cable across the Pacific Ocean. They have done no more than this Company—not as much. They have not attempted to organize, nor have they applied for letters patent. They have not made application to the Secretary of State for the organization of the Company as they were bound to do within a year. Parliament was asked to extend the time, and the time was extended, no one refusing his assistance. Another year went by and we have on our table a Bill extending that period for another year. None of us hesitated; we gave that other Company all that it asked, as we should give to every company that is disposed to embark in an enterprise of that nature. I do feel, therefore, that it was a somewhat unusual way of treating a company which practically had at least made an effort—because I think it must be conceded, from the facts we have had before us and from the discussions that have taken place from time to time in the public press, that this company has at least made an effort. I stated the other day that at all events a considerable portion of the two bodies of gentlemen who had embarked in it were driven from the field by either the allurements or the threats of the Anglo-American Company and I state so still. It is just possible that this gigantic company, which I maintain has a monopoly, may be able yet to crush out this enterprise as it has crushed out a great many of a similar nature. The hon. gentleman says that there is no monopoly; well, possibly he is playing with words when he says that. Parliament has not given them the absolute right, but they have taken that absolute right notwithstanding; they have taken possession of every company that has been organized in any country, whether the United States, France or Great Britain: they have absorbed them, they have squeezed their life out, put the rates down and destroyed them, and then brought them in either by amalgamation or by arrangements for carrying messages at equal rates. Therefore I think it was quite safe, and quite in the spirit of the word, to use the language I did it stating they have a monopoly. We know in fact that one cannot send a message across the Atlantic except by the one company; there are several organizations, but they are all controlled by the one hand. In reference to Mr. Gisborne's statement, I understood him to say that he had from time to time reported to the Minister the enquiries he had made in connection with this matter; he stated moreover, what the hon. gentleman who moved the third reading of this Bill stated, that he believed it would be in the interests of this country, if a private company were to lay a cable between Sable Island and the mainland.

HON. SIR ALEX. CAMPBELL—He stated that he reported these facts to the Minister.

HON. MR. SCOTT—Yes, he stated that he took no steps in connection with this—he did not state that he got any instructions in advance from the Minister, but that he reported to the Minister what he had done, after it had been done. I did not understand him to say that he was authorized by the Minister to take the initiative, but that he stated the result of any enquiries he was making. He seemed to be charged by the Department with a sort of supervision over the telegraph system, and I suppose he thought this was an incident of it, and it was his duty to report to the Minister any particular evidence that arose. He did not come to this committee voluntarily; in fact he declined to come unless he was ordered there. And he did not wish to come unless the Minister gave him authority. A summons was sent to him, and the consent of the Minister I believe was given.

HON. SIR ALEX. CAMPBELL—As regards the Minister, he says it was stated to him that this gentleman desired to go before the Committee, the reply to the message was "no, not unless you are summoned, then you are obliged to go."

HON. MR. CARVELL—If a wrong impression has been left upon the mind of this House in regard to a gentleman whose name has been mentioned here, and I am in any way able to remove it, it is simply my duty to do so. I was the one who moved that the Chairman should have Mr. Gisborne before the Committee, and I went over to the Department of Public Works and there wrote a line to the Minster asking if he would consent to Mr. Gisborne appearing before the Committee on Railways, Telegraphs and Harbors to whom had been referred the Bill now under discussion; and I added that the Committee was summoned for 10.30 a. m.—which was about the time I wrote the note. The Minister wrote on the back of my letter "if summoned by the Committee, yes; otherwise I cannot allow any of my assistants to appear before the Committee." I reported this to the Committee and a summons was immediately issued by the Chairman, and Mr. Gisborne came. My object in obtaining his attendance, was to get an original letter, a copy of which I hold in my hand, and which Mr. Gisborne had placed on fyle in the Department of Public Works. It was written in England, and one day, while talking with Mr. Gisborne, with whom I am very well acquainted, having known him for many years, he said, "that cable company I think is going ahead," and he showed me this letter. I asked him if I might have it, and he made no objection. My reason for asking that the original letter be produced was, that since this Bill has been before the House, an unusual and extraordinary influence has been brought from outside this Chamber upon gentlemen sitting here, and upon the members of the Government, I think, trying to belittle—shall I say besmear—this Company. It was said that it had no existence, that it was a fraud, that it never had any bottom, and never had a dollar of money. It was stated by Mr Fleming, through his attorney in the Committee, yesterday, that they had no money and could not get any—that nobody would lend them any. In fact the Company was described in language which I do not care to repeat here. Therefore I sought to get this letter, which is as follows:—

5 KNIGHTRIDER STREET,
DOCTOR'S COMMONS,
LONDON, E.C., 31st of March, 1883.

DEAR SIR,

I have just had an interview with Sir Alex. Galt, in reference to the Act granted to the European, American and Asiatic Cable Company. The conditions of the Act are so far complied with that the work of making the cable has been commenced, several hundred miles being ready.

We have arranged the capital for one cable, but it would be impossible to bring the company out under the old name; it is proposed to adopt the title of 'The American, British and Continental Cable Company,' and we are prepared to bring out the Company immediately on receiving permission from your Government to change the name as above. You will greatly oblige me by informing me in course of post (or, if possible by telegraph) that steps should be taken to secure the benefits already obtained by the Act, under the new name. As the nominated chairman of the new company, I write this; so that you should be officially informed that work has already commenced, under clause 20. I can give you my assurance of the *bona fides* of our present position; and thank you in advance for any assistance you can render us towards completing this undertaking, which must confer incalculable benefits on the Dominion.

I am, Sir,
Yours faithfully,
(Signed) S. C. HADLEY,
Alderman

F. N. GISBORNE, Esq.,
Supt. of Telegraphs and Signal Service of the Dominion of Canada,
Ottawa.

P.S.—Mr. Rochs will keep you informed of the steps taken on this side."

Before I sit down I would refer to a statement made in this Chamber: a return was quoted from the other day showing that Sir E. J. Reed's name was used without his consent, and that the title "Asiatic" was an after thought, while the Company had no *bona fides*. I think I can furnish abundant testimony to disprove that. That Sir E. J. Reed's connection with this Company is undoubted, I have proof under my hand, and the denial in the return is not very clear, as hon. gentlemen will see if they care to read it. The term "Asiatic" was not in the original Bill but the powers were there; the powers in the orignal Bill were world wide, and I am informed and believe it was at the suggestion of the Minister of

Public Works that the word was inserted in the title; he said that if the Bill was to pass in that shape the title should be changed in order that it should show the full extent of the Bill. There is just one other matter to which I would like to refer, viz a statement in the prospectus, about which a good deal was said both in the Committee and in the lobbies. It is the simple statement that the company paid six thousand pounds for the cost of procuring this Act. Well, at first sight, it would sound rather alarming to a gentleman who was not conversant with such things, but what is the fact? Immediately or very soon after the passing of the Act of two years ago, the Corporators set to work. They employed solicitors, they prepared a prospectus, had their articles of agreement drawn out, employed managers —one in London, a provisional manager, and one here who was put under a very fair salary—and this in one year, when the the Company went down and Sir E. J. Reed withdrew, though why he did so, I cannot tell.

HON. SIR ALEX. CAMPBELL—It says that sum was expended for procuring the Act.

HON. MR. CARVELL—Yes, but if hon. gentlemen will allow me I will enable them to see the other side.

HON. MR. VIDAL—I think it says, "from the Canadian Parliament," which gives a particular point to it.

HON. MR. CARVELL—The business of this Corporation went on under the management of the Provisional Board, including Sir E. J. Reed, for, I think, a year, or thereabouts, and then it was discovered that Sir E. J. Reed's sympathies were not with the Company, and he went out. Another Board was formed, but, as I said before, there was the cost of solicitors, prospectus, travelling expenses, promotion and a hundred and one other things which may come in legitimately in that way, and when the prospectus, which was before the Committee the other day, was issued, it was there stated that the sum of £6,000 was expended. That happened in this way: the laws of England require that when a prospectus is issued, if there are any charges against the corporation or Company, if any contracts have been entered into or if there are any liabilities in existence, they must be put in the prospectus; and the reasonableness and justice of it will be evident to any hon. gentleman at once. Suppose, for instance, that any gentleman is going to subscribe to the stock list to-morrow; instead of its being a clear sheet, it is evident at once from the prospectus that there are ten, twenty or fifty thousand dollars chargeable to that Company—that it is loaded to that extent, and he governs himself accordingly. When this prospectus was being prepared I can readily imagine that the stockholders wished to answer in advance the inquiries which would naturally be made as to what was the position of the Company and what expenses had been incurred, in order that they might be assured there would be no after claps, no bills coming in by and by after the organization was complete. I am speaking of the operations in England, and I say 6000 pounds has been inserted there as representing the cost incurred during 18 months in England, exclusive of the £400, or nearly so which was satisfactorily explained before the Committee the other day by the hon. gentleman from Ottawa.

HON. SIR ALEX. CAMPBELL.—It does not say so; it says for the expense of procuring the Act.

HON. MR. CARVELL.—I admit the use of the expression may be unfortunate but hon. gentlemen will see that there is nothing really wrong in it. If, as has been suggested here, it were possible that money could be used to obtain an Act of Parliament here—supposing for arguments sake it were so—is it at all likely that any of the managers or promoters of such an Act would be mad enough to put such a thing in their prospectus? Why, the very statement itself shows the absence of anything criminal and is an evidence of the good faith of the whole thing.

HON. MR. SCOTT—In a matter that is personal to myself, and I think personal to perhaps every hon. gentleman here I should make some observation upon it, more especially as reference has been made to this item in the old prospectus. I may say that I was indignant

when I saw it, and I knew it must be utterly untrue; however, I caused enquiry to be made, in order to satisfy the House and the country. I did so because this went into the newspapers and I desired that it should go abroad what the exact nature of the expenditure in this country had been in connection with this Bill. I have the figures here in my hands, and with the permission of the House, will read them. They are as follows :—

Paid Cockburn & McCaul for Petitions, Notices, Drafts of Bills, Amendments etc	$ 150
Amendments, Copies etc	45
Parliamentary Fees on Bill	275
Advertising Notices and Prospectus	860
Printing 600 Copies	75
Paid Agent expenses in connection with Montreal Union & Rapid Telegraph Company	200
Cables, Telegrams etc., during three years	520
Postage, Stationery etc	280
	$2,405

The above sum of $2,405, represents the whole amount expended by this company in Canada since January, 1881, including the solicitors account of $195, and it is very proper that this statement should be made by myself, because I insisted upon an enquiry being made and a proper return given to me, in order that no hon. gentleman should be compromised in the slightest degree, or any reflection, such as was sought to be made, thrown upon the Parliament of Canada. The matter was very properly adverted to, and caused a great deal of surprise in the minds of very many besides myself; therefore I think that it should go abroad that the sum I have mentioned was the total expended in Canada from January 1881 to the present hour. The only thing it does not include is the parliamentary fee for the amendment.

HON. MR. PLUMB—I think it is due to this House and to myself to say something in respect to this Bill to which my name was attached at the time it was brought upon our notice paper. I felt that, as there had been some statements made in regard to the bona fides of the applicants, it was due to the promoters of the Bill that the matter should go to the Committee, and a hearing there be had. What has been stated by the hon. gentleman from Toronto is as nearly correct as anything could be, and I have only to say most unhesitatingly and distinctly that the impression conveyed to my mind by the statements of Mr. Gisborne was very strong; those statements had great weight with me, they were uncontradicted and I gathered from them that he was acting for the Government and had no interest whatever in the Bill, but that whatever his communications had been, they had been under the sanction and with the knowledge of his Minister. He used that expression constantly, and while I thought that the whole proceeding was a strange one, I was bound to accept his statements; I regret to find, however, that the statements he made before the Committee have been contradicted. Finding that my hon. friend from Ottawa had been engaged for the parties who were getting the charter, I felt that, under the circumstances, it was hardly fair that I should be asked to take the Bill under my charge, and I declined to move it further. I now say that, but for the impression that was conveyed to me by Mr. Gisborne, I should have felt very much inclined, in the Committee to have moved against it. I do not wish to take up the time of the House further, but I must express my very great regret that an officer of the Government should have come before a committee and that the Committee should have received from him the impression that it did gather, certainly so far as I am concerned, and I have no doubt that the same impression was received by many other hon. gentlemen who heard him. I thought it was a little strange that he should be cabling to England to ascertain what were the prospects of this company, to his brother and other parties whom we do not know much about. But I really felt disappointed to find that there was no evidence before us that there was any capital actually subscribed and paid up for that Company, and it could hardly be possible that there was any subscription for the new Company, because it had not been formed. Whatever may be the soundness of the new Company I am not prepared to judge. But I think it is quite evident that nothing has been done, and it could hardly be possible that that cable could be purchased by a Company when the Company did not

exist. So far as I am personally concerned, I wish to have it distinctly understood by the House, that I have come to my conclusions with regard to the Company without having any influence brought to bear upon me by any rival enterprise. I have no special sympathy with any parties who are engaged in this matter. I should like very well to have seen the Company, when it was chartered, succeed, but I felt that I was entitled to a full understanding of the position of the company and of every question connected with it. I knew nothing of the report which had been brought into the Senate which was a damaging one, and I was surprised to find that my hon. friend from Ottawa, who is a very active member of this House, had allowed any motion to escape his notice, and that so important a return should have been brought down without his knowledge. It certainly is not my fault that I was not apprised of it, for I think both the hon. gentleman himself and other parties who are interrested in the Bill should have had that information and that I should have had it too. I felt I was placed in a false position, and therefore I withdrew from the promotion of the Bill.

HON. MR. VIDAL—As I was a member of the committee before which Mr. Gisborne gave his evidence I feel it my duty, on account of the remarks which have just fallen from the lips of some hon. gentlemen, to state in as few words as possible precisely what occurred. It will be in the recollection of hon gentlemen that when this matter was first introduced in this House, the remarks made on the mode in which it had its origin, the treatment it had received, andthe charge of he unauthorised use of the name of a person in England, were circumstances which threw a great deal of suspicion upon it. And I stated my unwillingness to placing my name on record as seconding the Bill. In the committee I felt it my duty to vote for reporting the Bill without amendment. Why? Mainly, I do not hesitate to say, on the evidence given to that Committee by Mr. Gisborne. Not only as the hon. gentleman from Ottawa stated, did Mr. Gisborne frequently tell us, that what he had done was always reported to the Minister; but he did a great deal more than that. He took the greatest pains to assure us that every document which was sent, be it telegram or letter, was first submitted to the Minister for his approval, which I contend threw about the transaction that character of governmental supervision and approval which carried very great weight to my mind. It made me think that so far as the Minister was concerned he was satisfied with the proof furnished by this Company and was willing that it should go into operation. So far, then, as Mr. Gisborne's statement concerns me it was mainly the cause of the change of my opinion on the Bill and my willingness that it should be reported without amendment.

There is however one feature of the Bill which it is important that the House should have knowledge of, and it strikes me as being very remarkable. The allegation was made that the company had never gone into existence—that its charter was forfeited by non-user. That statement was met by Mr. Gisborne with the information that there is a Board in England, that they had given contracts for making the cable and that work is actually going on. What do we find in the Bill? The third clause is as follows:—

> The seventh section of the said Act is hereby amended by striking out the word "three" in the sixth line of the said section, and by inserting the word "one" in lieu thereof.

It seems a very innocent clause, and as explained in the Committee merely referred to the notice that was to be given, but no attention was called to what that notice was, and when it was to be given. It happens that it is the notice which should be given before the first step can be taken by the Company. Before they can organize at all they must give three months notice in the papers. By asking us to change that from three months to one is it not an open and clear acknowledgement to us that that first meeting never took place at all? The meeting was to take place as soon as 25 per cent. of the capital was subscribed and 20 per cent. paid thereon.

HON. MR. SCOTT—The hon. gentleman will see that this Bill was applied for by the provisional directors.

HON. MR. VIDAL—Will the hon. gentleman explain, then, why this change is asked for?

HON. MR. SCOTT—It is all done by proxy. The provisional directors hold their position until the organization takes place.

HON. MR. VIDAL—Have they held their first meeting yet?

HON. MR. SCOTT—No.

HON. MR. VIDAL—Then they have never gone into operation. Should they not have done that within the two years specified in the Act? Can it be said that a company which has not had its first meeting is in existence?

HON. MR. SCOTT—Oh yes.

HON. MR. VIDAL—Even though the time in which it should go into operation has expired? I have done my duty, at all events, in calling the attention of the House to this remarkable fact, that the change refers to the notice for the first preliminary meeting, before the company can be said to exist at all.

HON. MR KAULBACH—I am not going to occupy much time, but from the peculiar manner in which this question has come up I think it is advisable that the sense of the House should be taken upon it. I may say that I was very much in doubt as to what would be the fate of this Bill before the Committee. My own impression was that there would be a majority against reporting it, and the result was a surprise to me, as I am sure it was to many other hon. gentlemen. I have no doubt that that result was mainly owing to the gentleman who came before that Committee and gave his evidence, and that many hon. gentlemen were led to change their views with regard to the Bill purely in consequence of Mr. Gisborne's evidence. My own impression of what Mr. Gisborne said was that what he had done in the matter was at the instance of the Minister. He certainly did say that it was done with the full knowledge and approval of the Minister. I can remember the very words and he went on to say that everything he had done was done with the knowledge of the Minister, who had seen the letters and telegrams that were sent. After such statements had been made I was not so much surprised at the result of the vote in the Committee. For this reason I think the House should be called upon to decide on the merits of the Bill. I opposed it at the first, and I am still opposed to it, because I believe we are not here to look after the interests of any corporation, but to look after the interests of the public. The corporation can look after its own interests, but our duty is to see that the public interests are properly protected.

I cannot see why this Company should desire to change their name. Their present name is quite consistent with the scope of the Bill. If they really do want to connect with Asia, why strike out that name from their title? It seems to me that the whole thing is a delusion, and from the very beginning has not been of such a character as to commend itself to the House. The very prospectus which has been so much talked about, led the public to believe that it cost £6,000 to get the Bill through this Parliament, and no other interpretation can be put upon it—that is the plain, common sense meaning of the language. But we have it from the leader of the Opposition that it only cost $2000, including all the subsequent expenses. I say the thing is a deception upon the face of it, and not only that but the prospectus was issued with no date and no names attached to it. Ths name of the hon. R. W. Scott, Q. C., was put to it as standing counsel in Canada, but the hon. gentleman says he is not standing counsel in Canada. Therefore it seems to me that the whole thing has been got up as a delusion and a deception. If this Company have a bad position in the money market, and the people will have nothing to do with them, I do not see why we should change the charter by changing the name. It would be a deception upon the public. If thename is changed, many persons may be led to believe that there is something new in the company—some change in their intentions, scope and object. If the Company have not a sound financial position, we ought not to aid in deceving the public in the manner proposed. It is evident that they never intended

to go to Asia at all. In their original Bill they asked in the first place that their capital should be £1,500,000, which was only about enough to cross the Atlantic, and land the cable on Sable Island. It was only after the project of Mr. Sandford Fleming was brought to the attention of Parliament that they actually changed the title of the Bill to put in "Asiatic," and make it consistent with its scope and object. Why, after so doing, they should want to take out "Asiatic" again, if they really intended to make connection with that continent a part of their business, I cannot conceive. I say that if this company stand unfavorably before the public we have no right to allow them to change their name and thus enable them to deceive the public.

This Company stands in the way of other Companies who might undertake the work. They are before the public, they are presumed to be doing something, and are thereby deterring other Companies who would probably organize under the public Act which has been passed.

I do not believe it is in the public interest that this Company should be allowed to change their name. If they are really a *bona fide* Company they can do the work under the present Act. If we throw out this Bill that would not prevent their going on. I cannot see any reason why we should grant this legislation at all: I do not believe that it is in the interests of the public, or that the Company have shown us any grounds to justify us in granting their request.

HON. MR. POWER—I was a member of the Committee before which the Bill came, and as other hon gentlemen have stated their recollections of what took place, I suppose there is no reason why I should not add my contribution.

The hon. gentleman at my right suggested that Mr. Gisborne knew a good deal about the character of the company, and what had been done. I think he informed the Chairman of that fact, and in consequence Mr. Gisborne was summoned before the Committee. The object of my hon. friend in having Mr. Gisborne summoned, was not to show what the Minister thought about the matter, but simply to inform the Committee as to what had been done by this company, and whether it was a *bona fide* or a bogus concern. That was the sole object with which he was called before the Committee. He came before the Committee, and read letters he had received in his official capacity as Telegraph Superintendent of the Dominion, from the parties who were undertaking to work under the Act of incorporation. Those letters he read for the information of the Committee. In the course of his remarks he said he had reported to his Minister, or something to that effect, as to what he had done; but I did not understand him in any way to undertake to use the name of the Minister for the purpose of influencing the Committee. The Committee wanted information from Mr. Gisborne as to the *bona fides* of the Company, not as to the position of his Minister in the matter. I, for one, when Mr. Gisborne had finished his evidence, was not left under the impression that the Minister had had anything to do with the matter at all. The information given by Mr. Gisborne had no connection with the Minister's position as to the Bill; and the fact that the Government had declined to allow Mr. Gisborne to come before the Committee unless he was summoned, showed very clearly that the Minister could not be particularly anxious for the Bill to pass. But, on the other hand, hon. gentlemen who have been using the name of the Minister of Public Works very freely, must remember that the Bill was passed in the other House without opposition, and that the Minister was present, and did not say a word against it, and it is just as improper for hon. gentlemen to try to leave us under the impression that the Minister was hostile to the Bill, as for Mr. Gisborne to have stated that he was favorable to it, which I did not understand him to do.

Now it seems to me that there has been a great attempt made to mystify what is really a very clear and plain matter This Company was incorporated two years ago in the ordinary way. There was this difference between the Act incorporating this Company and the Acts incorporating some other telegraph companies, that the Bill to incorporate this Company as it left this Chamber, contained a provision that the rates for cable messages should not exceed a certain sum. It went down to the House of Commons, and there it happened that Sir Hector

Langevin who was then, as he is now, Minister of Public Works, was chairman of the Committee to which the Bill was referred. The Bill was discussed at considerable length by the Committee, and the Minister whom I have named reported it with certain amendments. These amendments were made openly and in the light of day. There was no hugger-mugger about it at all; the thing was done fairly and openly. There was a slight change made in the name of the Bill and an alteration made as to the rates. The rates were made subject to the control of the Governor-in-Council, which I think was probably as wise a provision as the provision originally contained in the Bill, notwithstanding what my hon. friend from Amherst has said.

There was nothing wrong or improper about the first Bill. The hon. gentleman from Amherst has stated that the original Bill had come in here at the close of the Session with those amendments, when there was no time to consider them. Now if the hon. gentleman will refer to the journals of the House he will find that they came up five days before the end of the Session. That was not a very short period for their consideration. The present Bill comes up from the House of Commons, where there was no opposition to it, and there is not the slightest reason shown why we should not pass it. It went to our Committee. There everyone who had anything to say against it was at liberty to appear, and some gentlemen did so; but the Bill was carried by a vote of nineteen to two. I cannot see how anything else could have been done. The Company are not asking to have their powers extended in any way, but simply to have their name changed, and I have never known of a case where such a request has been refused.

The motion was agreed to, and the Bill was read the third time and passed.

LOTTERIES AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (U), "An Act further to amend chapter 95 of the consolidated statutes of Canada, respecting lotteries."

He said: This Bill is to remove a difficulty into which members of the Art Union have fallen, including some very eminent men, amongst them, I believe, His Excellency the Governvr-General. It would seem that the Act respecting lotteries is not confined in any way to any particular description of lotteries. It is an Act passed in the time of the old Province of Canada, and some persons who appear not to sympathise with the Art Union have drawn the attention of the Police Magistrate in one of the cities of the Dominion, to the fact that these lotteries are against the law, and have urged that the law should be put in force as against them the same as it would be put in force as against any other lottery that we condemn—lotteries which are in the nature of gambling. Some persons insist that this law, which affects this mode of distributing prizes by the Art Union, should be enforced. The magistrate has been in correspondence with myself about it, and he suggests that this amendment to the law should be made, to allow of this mode of distributing prizes by incorporated societies established for the encouragement of art.

HON. MR. DE BOUCHERVILLE—Is there not some doubt as to the power of the Federal Parliament to amend the Consolidated Statutes of Canada, respecting lotteries.

HON. SIR ALEX. CAMPBELL—I think not in this respect, because this is a criminal law rendering these lotteries illegal, imposing a fine, and making the offence a misdemeanor.

HON. MR. DE BOUCHERVILLE—The reason why I asked the question is, this law has already been amended by the Legislature of Quebec, and I wanted to get the opinion of the Minister of Justice as to the question of jurisdiction.

HON. SIR ALEX. CAMPBELL said he had some slight verbal amendments to make to the Bill.

The amendments were agreed to.

HON. MR. MILLER—I might suggest to the Minister of Justice before the third reading of the Bill it might be advisable to decide whether it is a matter for the

consideration of this Parliament. I have not had time to go through the original Act very carefully, but from a cursory glance at it I should say it does not make the offence of holding lotteries a misdemeanor or crime; it merely imposes a penalty for the offence of engaging in lotteries. It may be a question how far the Bill before us may attain the purpose for which it has been introduced. Of course it would be quite competent for the Minister of Justice to declare the offence a misdemeanor, and then define in the Bill the exemptions from the general operation of the law. I do not pretend to say that the view I take of it now is one that will not bear further investigation, but I thought it well to call the attention of the Minister of Justice to it so that when the Bill comes to be read the third time he may be able to declare his opinion on this point.

The Bill was ordered for third reading to-morrow

THE RULES OF THE SENATE.

MOTION.

The Order of the Day having been called for the consideration of the report of the Committee on Standing Orders and Private Bills, proposing the amendment of the Forty-ninth and Fiftieth Rules, and that members be summoned,

HON. MR. BELLEROSE said that the proposal of the Committee was to amend the 49th and 50th Rules of the Senate, and extend the time for receiving petitions for private bills and reports from the Committee on Private Bills to a reasonable period, so that in future those Rules should be strictly adhered to. He moved the adoption of the report.

HON. SIR ALEX. CAMPBELL—I do not apprehend that the amendment proposed by the report would be of much use unless the same rule was adopted by the House of Commons. I do not know whether my hon. friend, who is Chairman of the Private Bills Committee, has any communication with the Chairman of the Committee of the other House, or whether he has information that the other House is willing to adopt the same rule. If they do not adopt the same rule, would we accomplish anything by adopting this report? Would it not be better to postpone the consideration of the report and endeavor to arrive at some common conclusion by communication with the other House?

HON. MR. BELLEROSE—I have had some conversation with the chairman and some of the members of the Private Bills Committee of the other House and they expressed their willingness to adopt the same rule, but I understand from one of them that the Premier would not vote it; that there were reasons for not adopting such a rule, and the thing dropped. I do not see that it is necessary that the Commons should adopt the same rule as we do; our rule would only apply to bills originating in this House.

HON. MR. DICKEY—I am afraid that any rules we may make will be dealt with in the future as they have been dealt with in the past, though I can quite understand that if this amended rule could be rightly enforced it would be a wholesome provision. I fear, however, that if we publish this to the world that promoters of Private Bills will have this increased time in which to present them, they will take the full latitude, and it will be an inducement for them to still further delay the business of the Session. If it could be made an inflexible rule of the House I should certainly vote for it.

HON. MR. MILLER—I quite agree with the hon. gentleman from Amherst that if the amended rule is adopted, and it is not rigidly enforced we would be better without a rule. One reason that influenced the Committee in recommending his change is that the rule is suspended every Session, invariably, once or twice, and sometimes three or four times. I hold that it would be better for us to have no rule at all than to have one which experience has proved to be of no practical application: it is impossible as the rule stands now that it can be conformed to. The Committee thought that if a reasonable time were given for the reception of petitions, and reports on Private Bills, then the suspension of the rule could become a matter of much greater difficulty, because the same reasons in favor of the suspension could not possibly

exist. Under these circumstances I think it would be better to repeal this bill altogether and allow the matter to remain one to be dealt with in the discretion of the House as it virtually now is, or if we amend it, to declare while amending it that unless very strong reasons should be given for the suspension of the rule it should not be suspended hereafter. That opinion was strongly expressed by the Committee, and if a resolution was come to by the House to enforce the rule when it was made a reasonable rule, I think it would be a decided improvement on the regulation that now exists.

HON. MR. HAYTHORNE—I am opposed to the changes proposed, as I think very slight benefit will be derived from it, and a great deal of mischief might result from it. If the change is adopted the result will be that the business of the session will not commence as early as it does now. When applicants for private bills were limited to ten days after the opening of Parliament for the presentation of their petitions the Private Bill Committee went to work at once, and the business of all the other committees depended on the work being first commenced in that Committee. By extending the period in which work may be commenced in that Committee, the work of the other committees will be retarded, and considerable delay and inconvenience will result from it. I think it would be advisable for the Minister of Justice to consult his colleagues as to the abvisability of this proposed change before it is adopted.

HON MR. KAULBACH—I agree with my hon. friend from Prince Edward Island that the adoption of this proposed change would result in delaying the work of the session. If any gentlemen interested in a private bill, ask for a relaxation of the rule it will be granted as heretofore and no benefit can result from this change.

HON. MR. DICKEY—I observe that in the report of the committee they recommend that this new rule, if adopted, should be rightly enforced. If that could be incorporated in any way in the rule it would be notice to the promoters of private bills that they could not expect to have this indulgence that they have been in the habit of receiving (the suspension of the rule), but must be prepared within the time mentioned in the rules to present their petitions.

HON. MR. DEBOUCHERVILLE—The abuse is in the suspension of the rule, and I do not think that by any rule we adopt we can prevent it in the future any more than we could in the past. It seems to me that if we were to double the time for every week after the time presdribed by the rule, it would cure the evil.

The Order of the Day was discharged, to be made an order for Monday next.

BILLS OF EXCHANGE, PRINCE EDWARD ISLAND, BILL.

REPORTED FROM COMMITTEE.

The House went into Committee of the Whole on Bill (T), "An Act relating to Bills of Exchange and Promissory notes in the Province of Prince Edward Island."

HON. MR. PELLETIER, from the Committee, reported the Bill with an amendment.

The amendment was concurred in, and the Bill was ordered for third reading to-morrow.

The Senate adjourned at 5.40 p.m.

THE SENATE.

Ottawa, Thursday, May 17th, 1883

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

LOTTERIES AMENDMENT BILL.

REFERRED BACK TO COMMITTEE.

The Order of the day having been called for the third reading of Bill (U), "An Act further to amend chapter 95 of the consolidated statutes of Canada, respecting lotteries,"

HON. SIR ALEX. CAMPBELL said: In consequence of the question which was put to me yesterday by the hon. gentleman from Montarville, and some remarks subsequently made by the hon. gentleman from Richmond, I have given more attention to this Bill than I had done before, and I propose to ask the House to refer it back to Committee for further amendments with a view of bringing out more distinctly than it now does, that the only reason we deal with the subject is because it is made an offence against the law, the dealing with those lotteries, and I propose to amend the Bill to show that that is the only motive for our legislating on the subject. As the Bill stands at present, it rather assumes that this Parliament has the right to interfere with that matter in other respects than simply because it is an offence against the law. I understand that those societies sometimes publish works of art amongst themselves, although they are not the production of members of the society, and I propose to exempt them also. I move that the Bill be not now read the third time, but that it be referred back to a Committee of the whole House for further amendments in the direction I have indicated.

The motion was agreed to.

In the Committee,

HON. MR. ALEXANDER asked why the Bill was not extended to private owners of works of art? Why should not a family who had a collection of valuable paintings, which they could not sell in the market, dispose of them by a lottery?

HON. SIR ALEX. CAMPBELL said that this was one of the evils that the law was intended to repress; the exception was made in the case of those societies to encourage art.

HON. MR. RYAN, from the Committee, reported the Bill with some amendments, which were concurred in. The Bill was ordered for its third reading to-morrow.

BILLS OF EXCHANGE IN PRINCE EDWARD ISLAND BILL.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (P), "An Act relating to Bills of Exchange and Prommissory Notes in the Province of Prince Edward Island."

HON. MR. POWER—I wish to call the attention of the Minister of Justice to one point in connection with this Bill. If he looks at it carefully he will find that owing to the change made in it yesterday the effect of the measure will be very seriously altered. The striking out of the words "payable by or drawn upon any person in Prince Edward Island," will have this effect: that this Bill will undertake to legislate as to Bills or notes which may have been made or drawn in Prince Edward Island, and which may be payable in another province. The Minister will see that a bill or note payable in Quebec would be governed as to protest and things of that kind by the law of the Province of Quebec, while this Bill is only intended to apply to bills or notes which are payable in the Province of Prince Edward Island.

HON. MR. MILLER—I quite agree with the remarks of the hon. gentleman from Halifax; it is a matter I intended to call the attention of the Minister to myself.

HON. SIR ALEX. CAMPBELL said he would look into the matter. He moved that the order of the day be discharged and that the Bill be read the third time to-morrow.

The motion was agreed to.

SECOND REPORT ON THE LIBRARY OF PARLIAMENT.

The order of the day having been read for the consideration of the second report of the Joint Committee of both Houses on the Library of Parliament.

HON. MR. ALLAN said: This is a report in reference to the books which have been allowed from time to time to be taken out of the Library by either members of Parliament or others residing in Ottawa or in its neighborhood. Of course hon. gentlemen are aware that members during the session are allowed to take out whatever works they may require from the Library. A rule has been in existence (though I believe not very strictly enforced)

requiring members to return to the Library all the books they may have taken out, at the close of each session. Then, during the recess they are allowed to have, I believe, some two or three works sent to them from time to time. But this privilege has been extended far beyond that, and it was stated to the Library Committee the other day that there were no less that 1000 tickets during last year held by parties residing in Ottawa and its neighborhood. The year before there were as many as 1500. The report recommends, with a view to restrain the excessive circulation of Books, now loaned from the Library, under existing rules of both Houses of Parliament, the adoption by the Senate, of the following as Standing Orders :—

"1. That members of both Houses be required to return, at or before the close of each session, all books taken out by them from the Library during the session.

"2. That the Librarian do report to the Library Committee, at the commencement of each session, the names of such persons as have failed to observe the above rule.

"3. That the issue of tickets empowering individuals to borrow books from the Library be confined (firstly) to such members of the civil service as either of the Speakers in their discretion may think fit; and that such tickets shall authorize the issue of only one work at a time, during the recess; and (secondly) to such persons as are *bona fide* engaged in literary work, to be approved of by one of the Speakers."

It has been shown to the Library Committee at different times by the Librarian that a very large number of books have been lost to the Library by the present, I think, very injudicious system of circulation, and, not only that, but a very large expenditure has been incurred by the Library year after year in consequence of their being obliged to constantly have these books, which were in circulation, rebound. That alone adds very considerably to this item. In addition to that, there are also a very large number of books from time to time lost, and it has been found that under the present system, with such a large number of books out, it is sometimes exceedingly difficult to trace them.

Then, again, it seemed to the Committee that the principle was an unsound one; that it was not intended by Parliament, that this Library should be an ordinary circulating Library, and that if the privilege of taking out books, to any extent almost, be allowed to parties residing in Ottawa and it vicinity, it was a very pertinent question to ask if such a privilege should not be extended to parties residing in other parts of the country. If people at the Capital who are entirely unconnected with Parliament, or the civil service are to be at liberty to take any books they like from the Library, then there is no reason why the privilege should not be extended all over the country, and hon. gentlemen can see that if that was to be carried out it would totally change the whole character of the Library—that it would, in fact, be converting it into a large circulating Library for the Dominion at the expense of the country.

An exception has been made, and is mentioned here, in reference to any persons who are *bona fide* engaged in literary work. If such persons find it desirable to have reference to some books in the Library which, perhaps, would be altogether too expensive for them to purchase and to which they could not have access in any other way, they have the right, on application, to the use of them. Those exceptions are left to a great extent in the hands of the Speakers of the two Houses and the Librarian, and parties so applying, I am sure, will always be dealt with very liberally indeed. The gist of the report is really to recommend that that system should be put an end to which allows the circulation of books practically without limit in Ottawa and its neighborhood. I have been informed that parties in all positions here have been in the habit of getting those books to any extent; that is a principle which does not seem to be sound or right. This is really the chief matter contained in this report.

In the first place the attention of members is called to the rule that they ought, before leaving for their homes, to return any books they might have had out during the session; then the Librarian reports to the Committee, the names of the parties failing to comply with the rule, and furnishes a list of those who have not returned the books they have borrowed. I think if hon. gentlemen could see that list they would be rather astonished at the extent of it. Then the privilege of borrowing books from the library is confined to those I have already mentioned. These are the chief recommendations of the report.

HON. MR MILLER.—Is there any intention to curtail the privileges enjoyed by members hitherto of borrowing books during the recess?

HON. MR. ALLAN—No.

HON. MR. MILLER.—Why should members be obliged to return all books taken out during the session? I myself, have taken a book from the library which I do not expect to return for a month; under this rule I would be obliged to return it before leaving Ottawa.

HON. MR. ALLAN.—If I had a book which I wished to retain after the session I would take it to the Librarian before leaving Ottawa and have it re-issued to me as a book to have during the recess. Gentlemen are unlimited as to the number of books they may take out during the sitting of Parliament and I myself have seen large piles of books in members' rooms during the session. If there was not some rule which obliged them to return those books at the end of the session it would be very difficult indeed to keep any check on the number of works taken out and it would lead to great practical inconvenience. Hitherto the rule has been that no one member of either House of Parliament should have more than three works at a time during the recess.

HON. MR. MILLER.—For a month.

HON. MR. ALLAN.—Yes. What has practically been done is this; at the close of the session hon. gentlemen sometimes have taken away perhaps two or three dozen books.

HON. MR. SCOTT.—Trunks full.

HON. MR. ALLAN.—That is what we were told but I did not like to use the expression—and those books have not been returned until the following session. It was in order to put some check on that that this rule has been recommended. I presume that if any hon. gentleman had in his possesion one or two books which he desired to have during the recess and reported that to Mr. Todd he would not be prevented from taking them with him.

HON. MR. ALEXANDER—If I had been present at the last meeting of the Library Committee. I think I should scarcely have acquiesced in the third clause of this report which is as follows:

> That the issue of tickets empowering individuals to borrow Books from the Library be confined (firstly) to such members of the Civil Service as either of the Speakers in their discretion may think fit; and that such tickets shall authorize the issue of only one work at a time, during the Recess;—and (secondly) to such persons as are *bona fide* engaged in literary work, to be approved of by one of the Speakers.

Now will that embrace judges of the Supreme Court?

HON. MR. ALLAN—Oh, yes, as a matter of course.

HON. MR. ALEXANDER—I think that the privilege which has been granted to the public has been very much abused as was expressed by Mr. Todd to the Committee, and the number of books taken from the Library was far beyond what perhaps it would be proper to continue; but it is a question when, we remember, it is purchased with the public money, that the people's representatives should act in a liberal spirit in regard to this. I asked the question upon one occasion whether the books were much injured, to which I received the answer that they were not. Now while the list referred to should not be extended as much as it has been in the past, still I think that clause might be made a little more liberal. The whole Library has been purchased by grants from the public exchequer.

HON. MR. POWER—Not by the money of the people of Ottawa.

HON. MR. ALEXANDER—Very true, but I think that public sentiment would be in favor of extending, as liberally as possible, the privilege to the educated families of Ottawa. There is scarcely ground, in a country like this, for acting otherwise than in a liberal spirit towards those of this district who are calculated, by education or taste, to enjoy literature. I really do think that the House ought to pause, and extend this privilege somewhat beyond the families of the Civil Service. We might give discriminating power to the Librarian himself.

HON. MR. KAULBACH—I think that that is a very dangerous power to give to the Librarian. If anyone who should be allowed the privilege desires to get a book, he can procure it under the existing regulations. I agree with the hon. gentleman from Richmond that it would be unwise to require members to return all the books they may have taken from the Library during the session before leaving for their homes. There is no use in making a rule of that kind unless we can stand by it, and we know that the one which is recommended cannot practically be carried into effect. The existing rule meets every purpose. No member can have a book more than a month. That is a plain rule, which members are supposed to observe. But to require a member to return every book to the Library before leaving for home is expecting too much. The rule which requires a member to return any books he may have at the end of each month is sufficient, and there is no probability that the privilege he enjoys will be abused.

HON. MR. MILLER—After the explanation of the Chairman, I can understand that it might be desirable to adopt a rule something like this which is recommended in the first clause of the report, but I think it should not be done without some qualification. The committee should have limited the number which members are permitted to retain during the recess. They are allowed to take three works, under the existing regulations. Had the Committee recommended that any books above that number should be returned at the close of the Session, I think it would be a good rule. Now, with regard to the objections which have been made to the third clause of the report, while I go with the Committee very far in restricting the circulation of books, I think the restriction recommended here would be rather severe. In the first place the privileged class is limited to the Civil Service. Now, the Civil Service does not include the Judges, or even the staff of the House of Commons or the Senate. The employees of both Houses of Parliament are declared to belong to the Civil Service, but only for certain purposes, and under a rigid application of this rule, they might be prevented from getting any benefit from the Library. I think the second provision of the clause is a good one, but greater latitude should be given to the Speaker. You have to place a discretionary power somewhere, and the only trouble is, as to where it should be placed. I do not agree with the hon. member from Woodstock that it should be with the Librarian: I think it could not be better placed anywhere than in the hands of the two Speakers, but I do not think you will find it possible to carry out this third clause, because books will go into the hands of other persons, and when a rule is laid down and repeatedly broken, as I have no doubt this rule will be, it becomes no rule at all. It is a great deal better to have no rule than one which you cannot enforce I do not think myself that the report of the Committee is one which the House should adopt. I cannot agree with the first and third clauses of the report, and those are the two important portions of it. I do not know whether there is time now to refer it back to the Committee, or whether the House will be obliged to accept the report for the present, and modify it next Session.

HON. MR. ALLAN—I may state as far as the report is concerned that it was unanimously agreed upon in Committee. But if the clause requiring members to return at the close of the Session all books taken out by them, were so altered as to express that it should be all books taken out by them over the number they are allowed to retain during the recess, I think it would meet with the approval of the House.

HON. MR. MILLER—You cannot amend it.

HON. MR. ALLAN—No, but we have the sense of the House on the subject. As for the issuing of books, that might be very easily disposed of by including the judges as well as members of the civil service among those who are to have that privilege. I do not think there is any probability that the staff of the House will be cut off. They would be incluued in the Civil Service. These tickets are issued by the Speakers of the two Houses. When I spoke of allowing a discretion to Mr. Todd, I presumed that it would be exercised in this way, that Mr. Todd would give recommendations when appli-

cations were made to the Speakers for tickets. It would not be fair to expect that the Speakers should know the circumstances of all the different applicants. Where a man is engaged, for instance, in literary pursuits, say at Queen's University, Kingston, Mr. Todd would take care to inform himself of the circumstances of the case and recommend to the Speakers accordingly, but, as I understand, the rule is that nobody has any right to issue tickets except the Speakers. Whether it is transgressed or not I cannot say, but there can be no doubt that the thing has grown into an enormous abuse under the present system. I have taken a great deal of trouble to ascertain the system pursued in other countries. A member of the Library staff called my attention to an interesting article in the Encyclopedia Britanica which gives a description of all the great libraries, and the rules and regulations under which those libraries are carried on. Out of the vast number mentioned there, only some three or four altogether allow books to be taken out. The greater number are open to those who come to them to read and study in the Library itself, but, except the public Library at Boston, there were not more than two or three in which books were allowed to be taken away from the Library. If we could afford to keep up such a Library here for circulating books all over the Dominion it might be a very good thing, but that is hardly the principle we are prepared to adopt now. It is necessary to draw the line somewhere; and I am quite sure that, under the supervision of the two Speakers, and with the care that Mr. Todd would exercise in recommending parties who apply, there will be no practical difficulty in carrying out this third rule. It would be a very great misfortune if matters were allowed to remain as they are at present. There is no practical limit to the issue of books. The hon. member from Woodstock says they are not injured in circulation, but the item which Mr. Todd reported—a very large one indeed—for rebinding, which he said was caused entirely by wear and tear of books taken out in that way, alone shows what the present system costs the country. If the report were amended in that direction to require hon. gentlemen to return all books. except the three works which each man is allowed to take out during the recess, and to include judges among those who are permitted to take books from the Library, it would, I believe, be acceptable to the House.

HON. MR. ALEXANDER—The hon. gentleman surely did not understand me to say that the books should be circulated all over the country?

HON. MR. ALLAN—What I understood the hon. gentleman to say is this: that it was the people's library, and that they should have every possible benefit from it by having access to the books. But supposing you apply that principle to one locality, I do not see how you can refuse to apply it to another.

HON. MR. ALEXANDER—I never meant that books should be sent from this city or county. What occurred to my mind is this, that it would be very strange that the both Houses of Parliament should determine that the books bought with the money of the people should be kept solely for the use of Parliament and that barristers and educated families of this city should not be allowed access to them.

HON. MR. ALLAN—And why not the barristers of Toronto also?

HON. MR. ALEXANDER—I am sure the House never understood me to express the opinion that the books should be circulated all over the country by post. I spoke simply with reference to educated families and barristers of this city, that they should have access to the Library.

HON. MR. DICKEY—I wish to ask the hon. member who made this motion whether he intends to proceed with the first report of the Committee, which is on the order paper to-day for consideration?

HON. MR. ALLAN—With regard to the first report of the Committee, I was informed by the Minister of Justice, on the part of the Government, that it was not usual to proceed with the discussion in this House of a joint report, which recommends the expenditure of money, until it has been first considered in the House of Commons. The consequence of this has been that the report has been postponed from day to day, for weeks. I

have endeavored from time to time to ascertain whether there was any probability of the report being adopted in the other House and I have been informed by the gentleman who has charge of the report there that he had been unable to obtain the sanction of the Government, to bring it forward, but that the Government had practically acceded to the recommendatihn of the report by inserting certain sums in the Estimates for that purpose. As there is no prospect of the report being brought up this session, I was about to propose that the order of the day be discharged. I confess I am at some little difficulty to know what is the proper course to take with this second report. I think that the suggestion made by my hon. friend from Richmond was a very good one with regard to the limitation as to books being retnrned; and I think it is quite proper that the names of the judges should be inserted. I do not see why we should insert the names of the barristers of this city, as the barristers of other cities would be entitled to the same privilege.

HON. MR. DICKEY—My reason for asking the question just now is that the House might know whether we are now to discuss the question or whether we are to have an opportunity of doing so hereafter. The general intention and scope of those rules I entirely concur in, but there is this difficulty: if a gentleman, a member of this House or of the other House, was in possession of a book taken out of the library, say a week before prorogation, it is suggested that he could afterwards ask that the book might be put down to him again; but that member might not be here, and would not have an opportunity of doing so. It appears by the second rule that every member who is in default in that way, and has not returned all the books that he had in his possession before the House arose, is pilloried at the commencement of the next session—his name is put down as having books in his possession that he ought not to have. It is a very undesirable thing, and could be met by saying that all books exceeding the number a member is entitled to have during the year should be returned before the House rises No person could object to that.

With regard to the third rule, I entirely concur in the spirit of restriction upon which that order is based, but it seems to me that that rule, as it stands, can hardly be enforced, unless we leave a much wider discretion in the hands of the Speaker; for, after all, what has been the position of this Library during the recess? It is, to all intents and purposes, a circulating library for the City of Ottawa, and nothing more, and some restriction should be adopted to make it what the Library should be. The distinction was very tersely put by the Premier, in another place, when he said this Library had become, not what it was originally intended to be—a Parliamentary Library—but it was now neither a Parliamentary Library nor a public library; it was a sort of an incongruous thing. We are now trying to get it on a proper basis, and in doing that, if we restrict the distribution of books to the members, and such persons as can be recommended by the two Speakers, we shall bring it back, in some degree, to its original scope and intention. I am rather disappointed that in this report there is a recommendation on which no action seems to have been taken—that is, the suggestion that was made in the report of the Library Committee three years ago, with regard to the selection of books

HON. MR. ALLAN—That has not been placed in either of the reports, because it was not thought necessary. Two meetings ago a sub-committee was appointed, composed of a number of gentlemen from the different provinces, to assist Mr. Todd in the selection of books for the coming year. The Librarian is to furnish them with certain lists, and the lists when returned to him are to be subject to his revision—and for this reason: that it may so happen that some books recommended by a member of the Committee may already be on the Library shelves, or there may be a work of greater merit on the same subject.

HON. MR. DICKEY—Then there has been no rule in the past with regard to the selection of books?

HON. MR. ALLAN—The selection of the books has practically rested entirely with the Librarian from year to year. Suggestions were made as to whether it would be desirable to appoint a committee

to assist him in the selection of the books, but the only practical work that was ever done in that direction was in connection with the selection of the law library, and those selections were made on suggestions furnished by the late Hillyard Cameron and Mr. Blake. But beyond that, although the thing was mooted time and again, no assistance whatever has ever been given to Mr. Todd in that respect, the difficulty being that no special committee was ever struck before for the purpose—it was merely a suggestion to the whole Library Committee. The old rule applied; what was everybody's business was nobody's business, the members went away, and nothing was done. Whether this plan that has been suggested for the present year will be successful or not, remains to be seen; I think it will depend in a very great measure on the zeal with which the hon. gentlemen of the Committee apply themselves to the task. It is not an easy matter to make a good selection of books for any library. It requires a man to be well read on different subjects, and it is not a task which can be done without a great deal of time and trouble. If this special Committee really show that they mean work, and that they are intended to give assistance to Mr. Todd, no doubt there will be very great improvement, and Mr. Todd has expressed himself as being extremely grateful for the proposed assistance. I think it is only fair, in justification of what seem to have been poor selections in the past, and which are apparently confirmed by the catalogue furnished to members, to make some explanation. The information was given to me the other day in the Library, and I took some trouble to compare a number of the books with the list on the catalogue before me and I found that many of the books placed on the shelves of the Library were copyright which the authors were obliged to place there. In that way a very false impression is given as to the value of the selection. Then a great number of books which are mentioned on the catalogue are small pamphlets, in some cases sent to the Library by the authors, and in many cases they have not cost a shilling. In glancing over the pages of the catalogues one would suppose that a great deal of money had been spent on worthless books, but that is really not the case; and I suggested to the Librarian the other day that those copyright books, for instance, should be placed upon a separate sheet of the catalogue, and not mixed up with the other Library books on the shelves.

HON. MR. DICKEY—When I asked the question I did not expect the hon. gentleman to favor us with such a long explanation, but he says that the Committee did not think it necessary to put in their report anything about the selection of the books. Now, three years ago the sub-committee of the joint committee of Parliament did make a suggestion, and I wished to know why that suggestion had not been acted upon. I have the report before me and it is to this effect, "They would further suggest that hereafter a proper system for the selection and ordering of books should be made." Nothing appears to have been done upon that for three years, but I see that that committee has not yet commenced to exercise its functions; otherwise I should certainly not have found it necessary to call the attention of the House to a few extraordinary publications that have crept into the library during the past twelve months. I took the trouble to go over a few pages of the list of works, and I found such books as these: a work on "Buddhist literature in China," another one on the "Mission of Love"—no doubt a most interesting subject.

HON. MR. ALLAN—That is a copyright work.

HON. MR. DICKEY—Then there is another work—a controversial work I assume—on the "Papacy during the Reformation," I do not know why that should have crept in, but to make things square, and to show that it is not confined to one church, we have next a work "An answer to Dr. Jardine's lectures on baptism"; then there is another work on the "Gypsies," and a dissertation upon "Suicide"; I do not know whether it intended to encourage this evil which is so prevalent in other countries, that his book has been added to our list. Then I find a work which, I daresay, may be very amusing; it is called "Joseph's Coat," and possibly is of a religious nature, and another book called "The Presbyterian Hymn Book" to which I do not object, but would be happy to see it used more

generally than it is. Besides these we have all sorts of other works—we have sporting works, which I do not see any reason for adding to the library. However, I do not intend to discuss this part of the question, because it was fully debated three years ago, and there was then a general consensus of opinion that something should be done. I am not aware that there was a single adverse opinion to the suggestion that was made, in the first place by myself, and afterwards concurring in by the leader of this House, and other gentlemen, that either by the two Speakers, or by the two Speakers and one or two members of the Government living in Ottawa—this selection should be made. And what was the reason of that rule? Because, three years ago, we found from the report of the Library committee itself, that the whole of the grant for the current year had been absorbed, and that the Parliamentary Library account was in debt to the sum of very nearly $7,000, within $11.82 cents, I think, of the whole amount. So that in 1880 the committee were obliged to recommend that only one-half of the $7,000 should be expended, and that the remaining one half should be spent in the next year, in order that at the end of two years there would be an equilibrium between receipt and expenditure. That suggestion was made, in consequence of the extraordinary course that was taken in ordering these books.

HON. MR. ALLAN—They were law books.

HON. MR. DICKEY—I know that some were law books, but my hon. friend will surely recollect that the very gentleman who was most active on that Committee an hon. gentleman from New Brunswick (Mr. Odell) said on the floor of this House, after I had criticised the character of these books and the reckless manner in which they were ordered, that the statements I had made on that subject were perfectly warranted, and that the Librarian had undertaken to give a special order for certain books, taking up a catalogue from one of the great booksellers in London or elsewhere, and that he afterwards gave him a general commission to fill up with any works that he chose; and that was the way the number of works was swelled. So that the facts cannot be disputed, and as I said the result became a crying evil, and there was a general expression in this House that it was absolutely necessary that something should be done, and this sub-committee who reported upon it had recommended that some arrangement should be made in regard to the selection of these books. Yet what do we find? That since that time books in the Library had gone on increasing at the rate of between three and four thousand volumes a year. Under those circumstances it was necessary that something should be done, and I am very glad that a step has now been taken in the right direction. I had hoped that those gentlemen whose names have been mentioned would try to remedy the evil, and to prevent works of the character to which I have adverted from creeping into the Library again. But now there is a curious fact which I would like the hon. gentleman to explain, and it is this—that while there never was a suggestion that this sum of $7,000 a year should be increased, we have now for the first time a recommendation, by this Committee, that the amount should be increased to $12,000, and we find by the report of the Librarian himself, which will be found in our Minutes of the 12th of February last, that the purchases for the present year amount to the large number of 3,200 volumes. And if we go back we find that that was about the average number for several years previously, always with a certain proportion of books of the character which I will not discuss again, but which I felt myself called upon to characterize on a former occasion, as to a large extent literary rubbish Now under those circumstances I think we have arrived at a very good point, and we are likely to make some improvements, and there are many required. I am very happy to find one statement, in the report of the librarian himself, to the effect that after the transfer fo the law books to the Supreme Court building, there will be room for many thousand volumes more in the library. That is very comforting, because for the last six or seven years, at all events, we have had the changes rung upon the necessity of enlarging the library, building another room, to be filled up with these books very much of the character I have just mentioned to the House—for the

purpose of enabling nursery girls and others to spend their spare hours in reading.

HON. SIR ALEX. CAMPBELL—It is unjust to attack absent people.

HON. MR. DICKEY—The only way we shall have to deal with this report is to refer it back, and so enable the Joint Committee to give us a report to which we can assent, because in its present form I fear that this House cannot adopt it. At the same time I quite approve of the step which has been taken in the right direction, in the first place to restrict the number of persons who shall be entitled to thumb over those books during recess, in Ottawa, and further to call upon members of Parliament to return any unnecessary number of books which they may have, in order that they may be retained in the library for the benefit of other people during the recess, before such members can call upon the Librarian to furnish any more.

HON. MR. MASSON—I heard the hon. gentleman from Amherst state a moment ago that the large booksellers were in the habit of sending us books here, which might not be such as we required or should have. In justice to the librarian I must state that I enquired from him several days ago, on that point, and he told me that of the last invoice of books all were ordered by himself, excepting perhaps 18 works, and of those 18 he stated that if he had thought for a moment he would certainly have ordered 11 himself. If the abuse has existed, hon. gentlemen will admit that it is in a fair way of being settled at the present moment. I would like to inquire from the mover of this resolution whether he has ascertained to what extent the abuse of circulating our books has grown? I am almost afraid to mention the number of tickets which I am told were issued—I do not know by whom, whether by the Speakers or Librarian—under the old regime; but I am informed that over 1,200 tickets are out to-day, to persons who have a right to go into the library and take whatever books they wish. I think everybody will admit that if the evil has grown to such proportions, it is high time we should have some remedy applied. We may, however, rest assured that we shall not overcome this evil, unless we strengthen the hands of the Librarian and his officers. It is true we have strengthened them by words and by writing, but we have not practically done so. I feel convinced that if we would confine ourselves to the rules, there would not be one-half the abuse which now exists in connection with the Library. The Librarian is in an exceedingly difficult position, and his employes, when he is absent, hesitate to resist the demands which are made by members both of this and the other House; in fact it is really impossible to do so. In some cases, when the Librarian and his officers resisted such application, resort was had to the highest authorities here—to Ministers—in order that instructions might be given for the delivery of such books, notwithstanding that the rule was against it. Now, if we do not take the question into our own hands—if we ourselves are not determined to abide by the rule; and if we do not tell the Librarian, when a member wishes to have a book against the rule, that he must say that the rules forbid such books being given, and that therefore the Librarian cannot, and will not send it—if we do not take such action, we may rest assured that whatever rules may be passed will be a dead letter. We shall not be able to enforce them. Then I would ask if the hon. gentlemen who present this report, and who recommend that books may be loaned to "such persons as are *bona fide* engaged in literary work," intend that it shall apply to and include scientific men?

HON. MR. ALLAN—No.

HON. MR. MASSON—They can be removed under the approval of one of the Speakers.

HON. MR. MILLER—No, they cannot be removed at all, I take it.

HON. MR. MASSON—The hon gentleman has said that a person who is *bona fide* engaged in literary work may be enabled, by permission of one of the Speakers, to have such books as he might need, and I do not see why a distinction should be made in the cases of scientific men, doc-

tors, or engineers, who might be engaged in such work and who might ask that a book be sent him. I think in such cases that he should be enabled, under the authority of one of the Speakers, to get it.

HON. MR. DICKEY—I hope the hon. gentleman will allow me, in justice to myself, to inform him that he is in error, that he has been mis-informed, in regard to this question of selecting books. Three years ago we had a very long discussion in this House upon that very point, and on that occasion words were spoken by the very best authority, by one of the members of the Committee of the Joint Committee of both Houses That hon. gentleman (Mr. Odell) stated, after I had made the remark that these general orders had been given but not acted upon, that "there was no doubt that general orders had been given to certain publishers to send on new publications to the Library, and such an order existed in regard to French and English law books, as well as others, and a great many publications were obtained in that way that were not required at all; therefore, to that extent, the statement of the hon. gentleman from Amherst was correct."

HON. MR. MASSON—I think I was very guarded; I said if the abuse had existed it was in a fair way towards being corrected.

HON. MR. WARK—I think the House will be perfectly justified in adopting the report as presented. It is perfectly right that books obtained by members of either House, from the Library of Parliament, should be returned at the end of the Session, and there is nothing to hinder a member, if he wants to retain two or three books, or the number authorized by the rules, doing so. He can say to the Librarian: "I am going to take so many books with me." Then, on the other hand, with respect to the Civil Service, I think the Speakers will give that rule a very liberal construction. Therefore, I do not think there is any necessity to refer this report back to the Committee; it has been passed by the other House, and I think it should be accepted by the Senate in the form in which it has been presented.

HON. MR. O'DONOHOE—I rise to speak to one portion of the report, one to which some objection has been taken—I mean with reference to the returning of books by members of both Houses, before leaving here. It seems to me that, practically understood, it will recommend itself to all hon. gentlemen, because a member sometimes may have to leave before the session ends, and it may even happen for some reason, such as pressure of time, he may go away without his baggage, and he leaves after him some of his books or the whole of them. He may telegraph for them, and those books are packed by some one who knows nothing of their value, or how to pack books; they are chafed and injured by reason of that negligence, whereas by the mode proposed members are asked to return their books at the end of the session. In that there is very little difficulty, for a member may send a note to the Library and have a messenger sent down for all his books. There is an advantage in that, because the Librarian sees the books, and he knows that they are all there; he is aware of their condition, and there is an old adage that short accounts make long friends. Then, these books having been returned in a short time, if the same member requires any portion of them, or fresh books, all he need do is to make out his requisition upon the Librarian and leave it with him, when the books will be sent to him packed in a proper manner. It is in the bad packing of books that a great deal of the injury complained of is done. It does seem to me, upon every ground, that the report is right in that particular.

HON. MR. MILLER—How would the hon. gentleman like, if he had a thousand miles to travel, and wanted to take an interesting work with him to read on the way, if he was not permitted to do so?

HON. MR. O'DONOHOE—It would only be necessary to say to the librarian, "I am about to leave and have a thousand miles to travel, and of the books named in my requisition I will take one or two with me."

HON. MR. MILLER—You cannot under that rule.

HON. MR. O'DONOHOE—The hon. gentleman from Richmond knows very well that if he gives a requisition for books,

as he is leaving, the librarian will enable him to do this.

HON. MR. MILLER—They have to be sent after him.

HON. MR. O'DONOHOE—Even if it put the hon. gentleman to that inconvenience, if the tendency was to save the books from injury and to have them properly packed, I hope my hon. friend would not hesitate to purchase some with which he might occupy himself on the road, until he could get his package of books from the library. Cases may arise in which the rule may work some slight hardship, but I think on the whole that the report has been soundly considered and ought to be supported.

THE SPEAKER—I confess I was a good deal surprised to hear the number of tickets that had been issued granting admission to the library, especially when it was assumed that all those tickets had been issued by the Speakers. I remained in Ottawa after prorogation last session for several months, and I suppose for that reason I was more likely to be applied to for tickets than the Speaker of the other House, who was not upon the spot; and while I cannot, as a matter of course, pretend to state the exact number of tickets I issued, I am certain I am safe in saying that during the whole recess I did not issue thirty. I hope therefore, the House will acquit me of the indiscretion which was insinuated, if not stated broadly, in the debate, that the Speakers must have been very lavish in their issue of tickets.

HON. MR. DEBOUCHERVILLE—I understand that members send letters to the Librarian authorizing the lending of books, and that these are considered as tickets.

THE SPEAKER—I wish to clear the Speakers, or myself at all events, of issuing what I consider a very extraordinary number of tickets during recess. I should not understand that the power of issuing them was intended to be exercised in that very liberal fashion.

HON. MR. MILLER—I withdraw any objection to the adoption of the report with the understanding that the hon. gentleman who has the matter in hand will intimate—at least to the knowledge of the Speaker—that members of the House are at liberty to retain, when going away, the number of books which they are allowed to have at any time during the recess, subject tothe general rule. If that is understood I think it is unfortunate that the report should not be adopted.

HON. MR. ALLAN—Of course it would be unfortunate if the report is referred back again to the Committee at this late period of the session. I do not think there would be any difficulty in regard to the proper and liberal construction of the reference to civil servants which is contained in the report, nor is it at all likely that any hardship would result from the provision as to the number of books which any hon. gentleman can take away with him at the close of the session. There would, on the other hand, be this advantage; it would strengthen the position of the librarian and put a stop to what has grown to be an enormous abuse. I do not think that the hon. gentleman from Quebec was in his place when I mentioned that at the beginning of the session I was informed by the librarian there were a little over a thousand tickets out, and that last year there were 1,500. I could give a good deal more information to the House as to where these books go and the parties to whom books are lent and the circulation they have, but realy it might seem to be so improbable that I hesitate to say much about it.

With these restrictions there is no fear that any persons who really have any claim because of being engaged in any literary pursuit, would have any difficulty in obtaining such books from the Library as may be necessary—except those which, by the rule established by the joint Committee, are not allowed to leave the library at all.

HON. MR. MASSON—I would not at all insinuate that the Speaker has exceeded his privilege; I know that 1,200 tickets have been issued, and now I know how it is. If every member of Parliament thinks he has a right to give out books, how the 1,200 tickets came to be issued is easily explained.

HON. MR. DICKEY—It is a very strong reason for adopting the report.

After the understanding that has been arrived at, I certainly should make no further opposition to the adoption of the report.

The motion was agreed to.

FIRST REPORT OF THE LIBRARY COMMITTEE.

WITHDRAWN.

The Order of the Day having been read for the consideration of the first report of the Joint Committee of the Library,

HON. MR. ALLAN moved that the order be discharged.

The motion was agreed to.

BILLS INTRODUCED.

The following Bills were introduced and read the first time :—

Bill (101), "An Act further to amend the Fisheries Act." (Sir Alex. Campbell.)

Bill (126), "An Act to make further provision respecting the regulation and collection of tolls on Government timber slides and other works constructed to facilitate the transmission of timber, lumber, and sawlogs." (Sir Alex. Campbell.)

Bill (V), "An Act to legalize proceedings taken for the naturalization of certain aliens in the Province of Manitoba." (Sir Alex. Campbell.)

SENATE RETURNS.

HON. MR. CARVELL—Before the House adjourns, there is a matter to which I feel it my duty to call the attention of the Senate. It is in reference to a return which is on the table of the House, and which was referred to in the discussion of a matter which was disposed of yesterday, I refer to a return which, on motion of my hon. friend from Victoria, was laid upon the table of the House in 1882. The address called for copies of all correspondence which had taken place since the 19th of March, 1881. The return brought down in answer to that address was referred to in the discussion on a Bill passed yesterday, and on looking it over I find that it not only contains what was asked for by the address, but a good deal that was not asked for, and in that particular it seemed to me to be an irregularity, and I conceived it my duty to call the attention of the House to the matter. I see one line in the return speaking of the Government having control of Parliament. I have no doubt the gentleman meant that the Government had the confidence of Parliament. I have no doubt they have the confidence of Parliament, and that they may long continue to have it. My object in calling attention to this matter is that when a return is asked for, that return shall be brought down fairly.

HON. MR. RYAN.—I am not aware that I asked for any returns !

HON. MR. CARVELL.—I think the return which I hold in my hand was furnished to the House in reply to an address moved by the hon. gentleman from Victoria.

HON. MR. RYAN—At what time ?

HON. MR. CARVELL—In 1882.

HON. MR. RYAN—And what is the objection ?

HON. MR. CARVELL—My objection is that the return is not only what was asked for, but more.

HON. MR. RYAN.—I am very much obliged to the Government for giving it.

HON. MR. CARVELL.—There is an irregularity beyond that ; the return is an unfair one.

HON. MR. RYAN.—I presume that that has no reference to the person who moved for the return ?

HON. MR. CARVELL—No.

HON. MR. RYAN—I took no part in the deliberations that took place yesterday, in which the hon gentleman was interested, and why this return is now referred to I cannot understand.

HON. MR. CARVELL—I wish my hon. friend to distinctly uuderstand that I

did not for a moment intend to cast any reflection upon him; I merely intended to trace the return as having been brought down on a motion made by the hon. gentleman. I referred to it merely because I conceived it my duty to say that this return was in this respect irregular.

HON. MR. ALLAN—Who is the reflection on?

HON. MR. CARVELL—I did not wish to reflect on any hon. gentleman; no such thought came into my head, but I repeat that when the House asks for a return, the return as asked for should be furnished to the House. This return is an unfair one because there is introduced into it correspondence that occurred years before the time called on, and it was calculated to put the matter in a wrong light.

HON. MR RYAN—I am still at a loss to understand the object which the hon. gentleman has in alluding to this return. The only thing I can possibly see in it is, that the hon. gentleman questions the propriety of the Ministers of the day who made the return. If that is my hon. friend's object I can well understand it. Perhaps we shall have a change of Ministry some of those days, and perhaps there are some aspiring gentlemen who wish to occupy the position of the present Ministers, but unless there is some such motive as that underneath I cannot understand the object of the hon. gentleman.

HON. MR. DICKEY—I quite agree with what has fallen from the hon. gentleman from Victoria. It appears to me hat if any person had the right to quesion the correctness of that return, surely t was the gentleman on whose motion the return was made. He has not made any objection to it, and I do not see why this question has been raised to-day. But if it be raised, surely my hon. friend who has raised it, having expressed his confidence in the Government, is now venturing to suggest a course that can only be accounted for by his want of confidence in the Government. because it is an attack upon the Government, and I leave him and the Ministers to explain it between them. It is the first time in my experience as a legislator that objection has been made io a return because it contained more information than was asked for. The objection generally comes the other way, and I assume that the information which was given, the correctness of which information has not been disputed, did not exactly run on all fours with the views of my hon. friend.

HON. MR. CARVELL—It was not my intention to trouble the hon. gentleman at all, nor am I troubling him.

HON. SIR ALEX. CAMPBELL—I hope you do not want to trouble the Ministers?

HON. MR. CARVELL—I had no desire to trouble the Ministers, and I can tell the hon. gentlemen from Victoria and Amherst that I have no ambition to take the position of the Ministers; that I have no lack of confidence in the Government, and if it were necessary to emphasise it I could tell the hon gentlemen that I am a Tory of the Tories, and was never anything else. Nor do I see anything in the future that is likely to make me anything else than a supporter of the Ministers who lead the Government now, as I have always been.

LAND SALES AT WINNIPEG.

HON. MR. REESOR—Before the House adjourns I desire to call the attention of the Government to a press despatch in an Ottawa paper under the head of "Winnipeg Correspondence." It is as follows:—

Winnipeg, May 16—The Government land sale yesterday was a complete failure. Only seven sections were sold. The "Times" denounces the sale in unmeasured terms. One settler wept at seeing his home sold at a price he was unable to pay.

I simply call the attention of the House to this matter to give the hon. acting Minister of the Interior an opportunity to explain whether it is possible, under the regulations, sent from Ottawa, I presume, in regard to that sale, that lands occupied by settlers could have been sold. The advertisement of that sale, was as follows:—

IMPORTANT SALE

OF CHOICE AND WELL SITUATED FARM LAND IN THE PROVINCE OF MANITOBA AND NORTH-WEST TERRITORIES OF CANADA.

At Winnipeg, commencing on Tuesday, the 15th May next, there will be offered at

public auction, a portion of the even numbered sections lying along and adjoining the Canadian Pacific Railway in Manitoba and in the Territorial District of Assiniboia, and of the even numbered sections lying between the belt of the main line of the Canadian Pacific Railway and the International Boundary and between the Red River and the Coteau or Dirt Hills.

COAL LANDS.

Some of the Coal Lands on the Souris River will also be offered.

Further particulars of the lands, the upset prices, and the terms and conditions of sale may be learned at the Dominion Lands Office, Winnipeg.

By order,
LINDSAY RUSSELL,
Deputy of the Minister of the Interior.
Department of the Interior,
Ottawa, 20th April, 1883.

From the remarks made during the discussion on the Lands Bill, I inferred that it was the intention of the Department to carefully guard the rights of those who were in occupation of lands and made improvements, and for that reason I have called special attention to this paragraph, in order that, if it contains an erroneous statement the hon. Minister will be able to at once contradict it.

HON. MR. PLUMB—Does it come in any authenticated form?

HON. MR. REESOR—It is a newspaper paragraph: that is the way we get most of the news of the day.

HON. SIR ALEX. CAMPBELL—We are told not to believe what we see in the papers.

HON. MR. MILLER—This is not a regular way to ask for information.

HON. MR. DICKEY—I would suggest that my hon. friend, before bringing this matter up, should have given a day's notice of it.

THE SPEAKER—I do not ask for any notice. I do not suppose I will have any more information to-morrow than I have to-day. The hon. gentleman is alluding to something which has come by telegraph to a newspaper, which it is impossible that the Department of the Interior could have any information about to-day, to-morrow, or the day after. I do not believe that the statement, as it is put there, is true. I know nothing of it, however. I do not believe that any *bona fide* settler is likely to be injured, knowingly, by the Government in the North-West. I think the hon. gentleman is aware of that. He stated to a gentleman on the other side of the House, when the Land Bill was under debate, that he did not know of any case in which wrong had been done, and I think he knows very well that no injustice has been perpetrated.

HON. MR. REESOR—I am very glad to hear the explanation.

HON. MR. POWER—The hon. gentleman is very easily satisfied.

The Senate adjourned at 5:05 p. m.

THE SENATE.

Ottawa, Friday, May 18th, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

The following Bills from the House of Commons were introduced and read the first time:—

Bill (130), "An Act to amend the Act 36 Vic., Chap. 62 and Act 43, Vic., Chap. 17, respecting the Quebec Harbor Commissioners." (Sir. Alex. Campbell.)

Bill (129), "An Act to amend the Act 38 Vic., Chap. 56, intituled An Act respecting the graving dock, in the Harbor of Quebec, authorizing the raising of a loan in respect thereof." (Sir Alex. Campbell.)

AN EXPLANATION.

HON. MR. DICKEY—Before the Orders of the Day are called, I wish to take the opportunity, which I may not again have, of making an explanation to the House with regard to the discussion yesterday, on the report of the Library

Committee. On that occasion I made some observations with respect to the selection of books, and mentioned some works in the Library upon which I ventured to make a playful comment as I went along. I at once handed the list to my hon. friend from New York, and I have since then been informed by him that he has compared those works to which I then called attention with the catalogue, and he finds that these are works that were the subject of exchange, simply copyright works, and I feel it due alike to my hon. friend and to the Librarian, to make this acknowledgement.

THIRD READINGS.

Bill (U), "An Act further to amend chapter 95 of the Consolidated Statutes of Canada respecting lotteries."

The Bill was read the third time and passed without debate.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (T), "An Act relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island."

He said: In carrying out the suggestion made by the hon. gentleman from Halifax that this Bill, as we amended it, did not meet the views of the House, I think we can easily correct it to do so by leaving out the words "drawn or made" at any place in the Province of Prince Edward Island, and substituting the word "payable." I believe the true way to make this amendment is after the third reading and before the passage of the Bill.

The motion was agreed to, and the Bill was read the third time.

HON. SIR ALEX. CAMPBELL moved that the Bill do not pass but that it be amended by striking out the words "drawn or made," and substituting the word "payable therefor.

The motion was agreed to. and the Bill as amended was passed.

FISHERIES ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (101) "An Act further to amend the Fisheries Act."

He said: A decision given originally in New Brunswick and confirmed by the Supreme Court here has rendered some further legislation necessary regarding the Fisheries. The superintendence of those fisheries was, by the British North America Act, confided to the Parliament of the Dominion and in furtherance of the duty thus intrusted to us, we passed some legislation the result of which was that it was supposed that the fisheries belong to the Dominion even where they exist in waters which belong to riparian owners. The decision of the Court of New Brunswick, sustained by the Supreme Court here, was to the effect that where there are riparian owners the fisheries belong to them in the same sense as the fishing or shooting belongs to the proprietor of the land in England. They belong to them in the sense that nobody can interfere with them except the riparian owners, but they do not belong to them in the sense that the riparian owners can therefore do as they like with them. They must obey such laws as are passed by Parliament in pursuance of the powers conferred upon us by the British north America Act for the proper protection of the fisheries. The duty of protecting them is by that Act entrusted to this Parliament but under this decision our legislation has been extended so far as to interfere with the ownership of fisheries which belong to the owners of the banks; but subject to that it is still the duty of Parliament to legislate in such a way as to protect these fisheries, and the rights of the riparian owners to fish must be subject to such limits as Parliament thinks proper to establish in order to protect the fisheries—regulating the mode of fishing, and the season for fishing. All these are in the interests of the fisheries, and it is the duty and the right of Parliament to legislate in this direction, and the riparian owner if he chooses to fish must fish subject to this legislation which is in the interest of the whole community—and for the benefit and advantage of everyone concerned. This Bill is framed upon that principle. It will not interfere with the riparian owner in any way. Nobody else, under the Bill, will be allowed the right of fishing where this ownership exists: he only will be allowed to do so, but if he seeks the right he must seek it under license, and subject

to the laws which regulate the fisheries throughout the Dominion. This is necessary for the benefit of the whole community, otherwise the persons owning the fishery might so fish as to damage the whole fishing of the stream as for instance by spear, or with improper nets. The limitation which the Bill imposes is done in strict deference to his rights as riparian owner. It has been supposed that this decision went further that this, but such is not the case. The decision is all summed up in the following words from the judgment of the Chief Justice of the Supreme Court in the case of the Queen vs. Robertson.

"To all general laws passed by the Dominion of Canada regulating "sea coast and inland fisheries" all must submit, but such laws must not conflict or compete with the legislative power of the local legislatures over property and civil rights beyond what may be necessary for legislating generally and effectually for the regulation, protection and preservation of the fisheries in the interests of the public at large. Therefore, while the local legislatures have no right to pass any laws interfering with the regulation and protection of the fisheries, as they might have passed before confederation, they, in my opinion, clearly have a right to pass any laws affecting the propery in those fisheries, or the transfer or transmission of such property under the power conferred on them to deal with property and civil rights in the province, inasmuch as such laws need have no connection or interference with the right of the Dominion Parliament to deal with the regulation and protection of the fisheries, a matter wholly separate and distinct from the property in the fisheries. By which means the general jurisdiction over the fisheries is secured to the Parliament of the Dominion, whereby they are enabled to pass all laws necessary for their preservation and protection, this being the only matter of general public intesest in which the whole Dominion is interested in connection with river fisheries in fresh water, non-tidal rivers or streams, such as that now being considered, while, at the same time, exclusive jurisdiction over property and civil rights in such fisheries is preserved to the provincial legislatures; thus satisfactorily, to my mind, reconciling the powers of both legislatures without infringing on either."

Mr. Justice Strong, in his judgment in the same case, says:

"I am of opinion, therefore, that the thirteenth enumeration of section 91, by the single expression, "Inland Fisheries," conferred upon Parliament no power of taking away exclusive rights of fishery vested in the private proprietors of non-navigable rivers, and that such exclusive rights, being in every sense of the word "property," can only be interfered with by the provincial legislatures in exercise of the powers given them by the provision of section 92, before referred to. This does not by any means leave the sub-clause referred to in section 91 without effect, for it may well be considered as authorizing Parliament to pass laws for the regulation and conservation of all *fisheries, inland as well as sea coast, by enacting, for instance, in order that protection may be afforded whilst breeding, prohibiting obstructions in ascending rivers from the sea, preventing the undue destruction of fish by taking them in a particular manner or with forbidden engines, and in many other ways providing for what may be called the police of the fisheries.*

Now, that is the view with which this Bill is drawn. The very first clause says:

"The Minister of Marine and Fisheries may issue or authorize to be issued fishery leases and licenses for fisheries and fishing wheresoever situated or carried on, but leases or licenses for any term exceeding nine years shall be issued only under authority of an order of the Governor in Council, and provided that no lease or license other than a license to fish at a certain time or in a certain mode, shall be issued where the exclusive right of fishing already exists by law."

Showing that there is no intention, or no possibility of interfering with the exclusive right of property, but simply a desire and intention to carry out the powers entrusted to us by the British North America Act and to regulate the mode, time and engines by which this fishing is to be carried on. That duty is imposed upon us in reference to the interest of the whole community. It is in that sense and in that only that this Bill is introduced.

HON. MR. KAULBACH — Is the riparian owner obliged to take out a license?

HON. SIR ALEX. CAMPBELL—He is not obliged to do so, but if he desires to fish, he must. I do not think I need say anything more on the law point. I think the decision of the New Brunswick court, confirmed by the decision of the of the Supreme Court here, is accurately and succinctly expressed in the language here, and which I have supported by the actual words of the two learned judges who delivered that judgment.

Now, in that sense the Bill proposes to preserve the fisheries, and with that object it proposes to enact the clause which I have read and certain other clauses and sub-sections, all bearing in the same

direction and all of which can be considered in Committee. The people in New Brunswick, who very naturally and justly take a great interest in this matter, have held a meeting in the House of Assembly at Fredericton on the subject. Attorney-General Blair moved, and Mr. Wetmore, of the Opposition, seconded, the following resolution, which was unanimously carried :—

"Whereas, the Minister of Marine and Fisheries has introduced into the House of Commons a Bill, entitled : 'An Act to further amend the Fisheries Act,' which Act, with the amendments proposed to be made in Committee of the Whole, contains a provision prohibiting riparian proprietors exercising their rights to fish for salmon above tidal water by any apparatus whatever without a license from the Minister of Marine and Fisheries to fish at a certain time or in a certain mode:

"And whereas, in the opinion of this House such legislation is not necessary for the protection of the fisheries, and will injuriously affect the value of the fishing rights, the property of this Province, and the rights of provincial proprietors :

"And whereas such legislation is in direct conflict with the decision of the Supreme Court of this Province and of the Supreme Court of Canada ; therefore

"Resolved, That this House would approve of the Government bringing under the notice of the Minister of Justice the objections entertained in this Province to the proposed legislation, and protesting against such legislation against the rights of the Province and the inhabitants thereof."

Now these are resolutions deserving the serious attention which they have received. In the first place they say "whereas, in the opinion of this House, such legislation is not necessary." With all respect to the Legislature of New Brunswick, it is not for them, I think, but for this Parliament to say whether such legislation is necessary or expedient or not. It is not for the Legislature of New Brunswick, but for the Parliament of the Dominion, which is charged by the constitution with the duty of protecting the fisheries, to decide what is necessary for that protection : and therefore, in the exercise of that duty, it is for us to say what is requisite.

Then, they say : "Whereas it is in direct conflict with the decision of the Supreme Court." It is not in conflict : it is with a view to carrying out that decision, since there is no interference, except to protect the interests of the public of which we are the guardians, with the rights of the riparian owner, but he must conform to the law for the purpose of preserving the fish. It is a very important matter. Anyone who conceives that it is one which concerns more the amusement of anglers than anything else is very much mistaken. It is a large interest in which a whole community is concerned. We all know that prior to the regulations which were established by the Dominion Government, the salmon fishing had deteriorated. It was rapidly passing away and on some streams had absolutely ceased. Owing to the measures taken by the Government the salmon fishing again became an important industry furnishing employment for a great many of our fellow-subjects. Without such legislation as this we should be driven back again to the condition of affairs which existed anterior to the protective measures by which the salmon have been protected during the spawning season and illegal fishing has been prevented. I cannot conceive that there is any well founded objection to the legislation which the Bill contemplates. Certainly there is no good reason in the assertions made by the Legislature of New Brunswick because this is not contrary to the decision of the Supreme Court and because I think, and as I hope Parliament will think, the measures which are proposed by this Bill are really necessary and that it is not for that Legislature but for this Parliament to judge whether they are requisite or not. I am quite sure that members of Parliament here believe that these measures are necessary in the interest of the whole community and that they do not interfere injuriously with the rights of riparian owners, so I think these two reasons given by the Legislature of New Brunswick are not sustainable.

HON. MR. MACDONALD—I beg to call the attention of the Minister of Justice to the fact that while this Bill is intended to govern and regulate matters in New Brunswick especially, it applies to the whole Dominion and will be totally inapplicable to British Columbia. Salmon are caught by nets and weirs in different rivers and lakes in British Columbia, both by Indians and by white men. I think our province should be exempted from the operation of this measure.

The fish cannot be taken by rod and

line or any way except by net. The Indians do not come under the operation of these laws; they are allowed to capture fish of any kind at all seasons and by any means for their food. This Bill, though it applies to the whole Dominion, is clearly intended for the eastern provinces, and its operation should be confined to that section of the Dominion.

HON. MR. NELSON—I rise to substantiate what my colleague from British Columbia has said. The Indians of our province subsist almost wholly on salmon, and they catch the fish with nets. If this measure were applied to British Columbia it would deprive a very great portion of the Indian population of the province of their means of living during the winter months.

HON. SIR ALEX. CAMPBELL—There is a provision in the sixth sub-section of section two, which is as follows:—

"6. The use of nets or other apparatus which capture salmon shall be confined to tidal waters, and any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of the Dominion: provided that nothing contained in this section shall prevent the use of nets for catching salmon in the lakes of the Province of Ontario, nor preclude the Minister from authorizing, by special licenses, the capture of salmon by nets in fresh water streams;"

That might apply to such a case. I will obtain information on the subject from the Department.

HON. MR. WARK—The question which appears to be at issue between the Legislature of New Brunswick and the Dominion Government is whether a man owning riparian rights has to take out a license to fish in front of his own property at other than close seasons. He would be subject to the laws regulating the close season the same as everyone else, but if we declare that he shall not catch fish in season without a license, I think it will lead to litigation. Parliament should hesitate before interfering with those rights, because they are very jealous of them. I think the people of New Brunswick should observe the close season; they should be liable to all penalties for violating any regulation for protecting the fish, but whether a man should be subject to a penalty for catching fish opposite his own land, for his own purpose, without a license, is open to question.

HON. MR. KAULBACH—It seems to me that the right of the riparian owner is an incident of his property and whether he is obliged to take out a license to do that which he has a right to do is open to question. I believe that he should be governed by the regulations for the protection of the fisheries, but to prohibit him from fishing in the waters opposite his own land, unless he takes out a license, is, in my opinion, going too far.

HON. SIR ALEX. CAMPBELL—One of the first principles of law is that a man can only use his own property so as not to injure his neighbors.

HON. MR. KAULBACH—Is a man obliged to take out a license to do that which he has a right to do? You can govern a man by regulations but to exclude him altogether from exercising a right which is an incident to the property he owns, unless he takes out a license, appears to be inconsistent. It is taking his rights of property from him.

I believe this law is in the right direction. The Dominion Parliament has power to regulate and protect the fisheries, and this Bill goes far towards it. It is evident that since the Government has taken a lively interest in the general fisheries, the salmon fishery has improved all through our Maritime Provinces. It is clear to my mind that the river fisheries had been to a large extent neglected before Confederation and until recent years; the fish after having struggled, because of their natural instinct to reach the spawning grounds, have been captured there even by anglers, and we all know that when this is done hundreds and thousands of young fish are destroyed by the capture of one salmon. I believe that the same regulations for coast fishing should extend to inland fishing.

I do not think that this Bill does compel an owner to take out a license to fish in the waters of a river which runs past his property. It is not imperative. I cannot see any section which says it must be done, but I think it is a proper law and tends to his own protection, because when he has got a license, the Government protects him against poachers, and preserves the fish. In that regard it is a benefit, although I question whether a man who has a right to a thing requires a license to exercise that right.

HON. MR. PLUMB—Does my hon. friend think there ought to be a license or not?

HON. MR. KAULBACH—I am questioning the right of Parliament to prohibit a man from fishing without a license in waters flowing through his own property, but I do not question their right to make regulations. As regards our shore fisheries, I do not know whether this rule so strictly applies. I would ask has this regulation been applied to the shore fisheries in Nova Scotia.

HON. MR. MILLER—It has.

HON. MR. KAULBACH—I do not know that it has so far as the south shore of the Province of Nova Scotia is concerned. I do not see that it is necessary. However, the decision in the case of the Queen vs. Robertson may render it necessary, in the case of riparian owners to which reference has been made. Whether it applies to our coast fisheries or not I am in doubt. It never came to my knowledge that such an Act has been in force along the shores of Lunenburg and the adjoining counties though they are governed by any regulations which apply to to the shore fisheries. At present they can only set nets of a certain length and in a certain manner; they cannot interfere with the main channel leading to a bay or river, and they are obliged to take up their nets and to set them at certain times. I think the same regulations should apply to the river fisheries also—I mean, as to the capturing of fish by rods or otherwise. I do not see that it is necessary, in order to carry out this enactment, that licenses should be issued; I suppose the license fee will be a nominal one, and that the Government do not expect to derive any revenue from it. but I cannot see any necessity for a license where riparian rights exist. You must protect the river fisheries to assist the coast fisheries, and the moment the river fisheries are injured the coast fisheries feel it; I cannot however see the necessity which has arisen for requiring the salmon fishery of the coast to be governed by the regulations which apply to inland fisheries, as far as licensing is concerned.

HON. MR. MILLER—I think it must be a matter of notoriety to every gentleman who comes from the Maritime Provinces, and therefore has an opportunity of possessing some knowledge of the Bill before the House, or rather the subject to which it relates, that since the protection to the fisheries has come under the jurisdiction of the Federal Parliament, a very great benefit has been conferred on that industry by the regulations enforced by the Fishery Department. We all know that since that time fishery overseers have been appointed along our rivers and sea coasts in every section of this country, on every river and stream, and in every harbor where the fisheries are of any importance or value. The consequence is that that noble fish the salmon instead of now being a scarce commodity of commerce in the Maritime Provinces is much more plentiful than it used to be when the provinces came into Confederation. Before the union of the provinces, we had, I may say, very imperfect, or perhaps no laws at all which carried out this important object, and the reason was that in small communities such as the Maritime Provinces were before Confederation it was found almost impossible to touch those local interests which a large Parliament like this is less sensitive in dealing with. It was in consequence of the local hostility to anything like protection to the fisheries which meant an interference with long used privileges, that a suicidal course in regard to the river fisheries was pursued in the Maritime Provinces before Confederation. Since then a new state of things has been inaugurated, and the great benefit of the change is well known to every person who has given any attention to the subject. Now I agree with the very timely caution given by the hon. gentleman opposite (Mr. Wark) that in dealing with this subject we should not trench upon any of the rights of riparian owners in the slightest degree, of which they are so jealous, and with regard to which they have become more sensitive from long non-interference with them under the old regime of the Provincial Governments. I cannot perceive that this Bill can be chargeable in any respect with doing anything so objectionable as that. I could not understand the remarks of the hon. gentleman from Lunenburg, who, when he first took the floor, I understood as being opposed to compelling riparian owners to take out licenses. But towards

the end of his remarks I thought he argued strongly in favour of a rule compelling every person to take out a license that desired to fish in inland waters.

Now hon. gentlemen must know that the greatest injury to be feared to the fisheries is just in the cases which that hon. gentleman himself has indicated, and with regard to which he would have no license. It is true it may appear an inconvenience to a riparian owner who wants to catch a few fish for his family to be obliged to take out a license to do so, but you must recollect that that is one of the slight inconveniences which every individual member of the community must submit to for the public good, and it is because without the license bringing him under such control, perhaps only one riparian owner out of a dozen might not abuse his privilege while the other eleven would, and it is just as important that they should be subject to these regulations as any person who is not a riparian owner—in fact in many cases more so. Unless we place riaprian owners under the same restraints that other fishermen are subject to under the law you leave these classes of the community to take the law into their own hands, to kill the fish indiscriminately, to place obstructions in the rivers, and do any of those numerous things which have such a tendency to destroy the salmon. Unless these members of the community are brought under the law the fisheries will be destroyed, as they are often the greatest enemies the fish have to contend against. The Bill does not interfere with the rights of anybody. If it did propose to take away any of the rights of riparian owners it would not be worth the paper it is printed on—it would have no effect. What we are now asked to do is to enact police regulations with regard to those industries, which we certainly have a right to do. This Parliament is not going to interfere with the exclusive rights of riparian owners on any waters of the Dominion, but it would be an extraordinary thing if because a man had riparian rights he should not be amenable to the laws which are considered necessary in the public interest—that he should not, because he was so fortunate as to be a riparian owner, be subject to the laws which govern the rest of the community. Now the license itself is not much of a burden. It is a very small matter and hardly worth discussion—if there is any charge at all for it. I know myself that in regard to fishing grounds below tidal waters the law has already been in operation in Nova Scotia. I know that in one of the most important fishing districts in Nova Scotia—the large district of L'Ardois in the County of Richmond—the system of license for salmon fisheries has been in use for several years, and it is highly necessary that it should be so, because where there is a large extent of coast with good fishing of that description unless there are some regulations within which to control fishermen they are likely to be interfering with one another, and continual breaches of the peace are the result. When a fisherman puts his nets out, if there are no regulations, another fisherman may surround those nets in such a way as to prevent fish getting in, and very unpleasant controversies and wrangling result, and very often end in breaches of the peace. It has been found necessary therefore to set off certain fishing grounds in separate allotments, and to grant licenses to fishermen for one or two of those allotments as may be considered right and proper. Each fisherman is confined to the limits of his own allotment just as a farmer is within the limits of his own farm, and consequently no danger is to be apprehended from their fishing together. I think upon the whole the Bill is in the right direction. It is certainly not an attempt to interfere with our provincial rights in any way. On the contrary it is in the direction of carrying out the decision of the Supreme Court of New Brunswick, a province deeply interested, perhaps more than any other, in this question, and in which the subject has been more discussed than in any other part of Canada. This law is merely to carry out the decision of the court of New Brunswick which has been sustained by the decision of the Supreme Court here, and is in my opinion one which should receive the sanction of this Parliament.

HON. MR. KAULBACH—I should like to explain that at first I doubted, and that I still doubt, whether this Bill would compel a riparian owner to take out a license, and if it did whether you could force him to take out a license to do that which he had a right to do by law. I consider this right to fish

as an incident of the property he owns. You can only make regulations, and these regulations a riparian owner is obliged to abide by, and the rights which he owns must be exercised in a certain way, in conformity with the law.

HON MR. ALEXANDER—We all agree with the hon. gentleman from Richmond, that proper laws should be passed in order to prevent the salmon being destroyed by any improper or illegal means, but as the hon. gentleman from Lunenburg has observed, this can be accomplished, without requiring the owners of riparian fishery rights, to obtain licenses from the Government. Will the House be good enough to look at this question from the following standpoint? Suppose on rivers like the Marguerite, or Godbout, or Restigouche there are twenty different families possessing riparian rights—poor men who are dependent very much upon fishing during a certain period of the year, and are incapable of paying four or five dollars for a license. Those men being very poor, and the climate and soil not permitting the culture of grain and very few potatoes, their families are barely beyond want. Is it right that we should require those men, who possess legal rights to the pools opposite their farms to go to the Inspector of fisheries, and pay him for a license to exercise the very rights which legally belong to them? That is the point which the hon. gentleman from Lunenburg has first established. I do not think it would be wise to impose such a duty upon the poorer settlers who happen to have had their lots of land on these rivers, whether on the North or South shore of the St. Lawrence.

HON. MR. KAULBACH—They should be subjected to the same regulations.

HON. MR. ALEXANDER—The Government should pass a law saying what is legal and what is not legal, and whether nets or torches should be used.

HON. SIR ALEX. CAMPBELL—There is provision for all that.

HON. MR. ALEXANDER—Then certainly this Bill is not a necessity. I desire now to speak upon another point relating to the salmon fisheries. I happen to know many gentlemen who have paid very large annual sums to the Dominion Government for the license to fish some of those rivers in Lower Canada, and had gone down year after year. And although having paid $400, or $500 a year for the right to fish in those rivers, their catch had been very meagre, from the fact, that the fish were not in the river.

HON. MR. PLUMB—That is fisherman's luck.

HON. MR. ALEXANDER—The complaint I believe is this, and it is my duty to state here what I have learned from a large number of those gentlemen, they complain that power is given by the Government—I am afraid, for certain purposes, to political supporters and to men of political influence—to establish bag nets within the tidal waters, who used their license so far as to prevent the fish from coming up. It is the opinion of most of those gentlemen who are lovers of fishing, that bag nets ought to be closed certain days in the week. It is known that the salmon always pass up very close to the shore of the river, in the shoal water, and they cannot get past these bag nets; so the result has been that while Mr. Wilmot, with his excellent establishment for hatching the young fish, places a large amount of matured spawn into the rivers, the salmon fisheries are, notwithstanding, becoming worse and worse every year. If the Goverment had fewer political friends on the lower St. Lawrence, and issued more stringent laws in regard to the bag nets, the present unsatisfactory condition of those rivers would not continue. The answer one receives from inquiry of those gentlemen upon this subject is to this effect, that a certain party is a political supporter, and he has been given the right to place bag nets there; he catches a large number of fish, sends them to the Quebec and New York markets, and makes money out of it. I am very glad to have an opportunity of expressing those views of men who fish those rivers, and who find them deteriorating more and more every year.

HON. SIR ALEX. CAMPBELL—Before the hon. gentleman goes any

further, perhaps he would allow me to state that it is left altogether to the Governor-in-Council, by the original Act, to make this charge. I will undertake to say that where the license is to the riparian owner there will be no charge for it.

HON. MR. DEVER—As a member from New Brunswick, I think this is a very good law; it is in the right direction, and I think the Government are entitled to credit for the conception of such a measure. I think if we have any possessions which we should protect and of which we may feel proud, they are our fisheries our game and our forests. I believe therefore that our laws should be framed to protect the wealth we have in our rivers and forests. Nothing could be more displeasing to a large portion of the people of this country, than the wanton destruction of our valuable fisheries, and if they are only kept for amusement I think it is the duty of the Government to see that they are properly protected. I am fully aware that there is a very strong feeling in New Brunswick against a measure that was entertained by the Dominion Government some time ago, and those who are opposed to it are persons of such a class as will see that their rights are protected. I am not prepared to say, however, that they would oppose a proper measure for the regulation of our fisheries; on the contrary I think they would be proud of such a measure, and that this Bill will be acceptable to them, when it is properly understood.

HON. MR. POWER—I cannot understand why, if that is the sentiment of the people in that province, the members of the House of Assembly there should have opposed the measure.

HON. MR. DEVER—With reference to the remarks made in the House of Assembly, I believe a misapprehension exists there at present, and it is only because of that misunderstanding that such expressions were used; when they know the tenor of this Bill, I believe they will be quite satisfied with it, because their aim is, and should be, the protection of our fisheries. On that subject the object both of the New Brunswick and Dominion Governments is the same. Holding these views I feel myself at liberty to support this Bill, and I am sanguine that it will be well received in New Brunswick.

HON. MR. NELSON—I think that this Bill may possibly be a very good one for New Brunswick, but I believe that the Province of British Columbia, which is perhaps the greatest salmon producing pi[illegible]ace of the whole Dominion, has been entirely overlooked. About one half the whole population of British Columbia are Indians, and practically speaking they live almost entirely by the salmon fisheries. Now this Bill would compel every Indian to take out a license before he could put his dip net into the river and take out a salmon.

HON. SIR ALEX. CAMPBELL—I do not think it would: the Indians are exempted from these things.

HON. MR. NELSON—Along the rivers there we have white people as well as Indians, and in many cases the salmon go up these rivers in immense numbers and it would be very hard indeed to say that a white man who might be living upon the banks of one of our rivers, where millions of these fish are thrown up and going to rot every year, should not be allowed to put in his dip net and take out a few fish without the payment of a license fee. I think the Province of British Columbia should be excepted from this Bill altogether. It would perhaps be right to say that every establishment engaged in the canning or putting up of fish for the purpose of sale should be compelled to take out a license, but I do not think such a tax should be imposed either upon Indians, Chinamen, or white men, who may wish to fish with dip nets.

HON. MR. MILLER—Will the hon. gentleman state what portion of the Bill he objects to?

HON. MR. NELSON—I object to that portion of it which says that, "in tidal waters and in the rivers or lakes, or the portions of rivers or lakes so set apart, it shall be unlawful to fish for salmon with nets or other apparatus, without a lease or license, as the case may be....."

HON. SIR ALEX. CAMPBELL—The provision just before that is quite suffi-

cient; it is quite right in that respect, and there is no danger to be apprehended.

HON. MR. NELSON—Hon. gentlemen have no idea of the character of the British Columbia rivers for fish; there is no fear of destroying the fish there. I have in my pocket a photograph, which probably many hon. gentlemen have seen, it is a photograph of the fish in the Fraser River, and any one who has not been there can have no conception of the quantity of fish that go up these rivers.

HON. MR. KAULBACH—I can tell the hon. gentleman that the quantity of fish in the rivers of Nova Scotia in the past was simply fabulous, but there have been comparatively few during the last few years.

HON. MR. NELSON—I can only repeat that I think it would be a hardship to say that every man, before he can put a dip net into the river and take out a fish, will have to pay a license, or be liable to be fined or imprisoned.

HON. MR. MILLER—If the objection of the hon. gentleman from British Columbia were correct, I could readily see the force of it, but I presume the clause to which he objects is the first sub-section of section two. Now clearly the whole question there is under the control of the Governor-in Council, and there is nothing to prevent the Governor-in-Council from making regulations to suit the Province of British Columbia.

HON. MR. NELSON—If I read it aright, no power is there given to the Governor in Council to exempt any portion of the Dominion. It says that the Government shall have a right to set apart certain portions of rivers, where fish may be taken, and that exempts all the other portions of the rivers.

HON. MR. MILLER—That leaves the other portions of the river free from the operation of the law.

HON. SIR ALEX. CAMPBELL—The first sub-section of section two of this Bill contains the very provision which the hon. gentleman from British Columbia wants.

HON. MR. NELSON—Will the hon. gentleman tell me the meaning of the word "except" in the second line of that sub-section? It says that it shall be unlawful to catch salmon by means of nets, in any other places than those named by the Order in Council. Then, if I read it aright, certain regulations will be made in regard to these waters, but I cannot see anything in this clause that gives any permission to fish in any other places except in tidal waters, or in the rivers allowed by the Order in Council.

HON. MR. POWER—I think the hon. gentleman from British Columbia is perfectly correct in his interpretation of this section, because it is provided that in those tidal waters and in the rivers or lakes or the portions of rivers and lakes so set apart, it shall be unlawful to fish for salmon with a net or other apparatus without a lease or license, as the case may be; so that all those Indians, Chinese and white men who fish out there, will be obliged to take out licenses. There is another thing to which I shall call the attention of the Minister of Justice, and also of the hon. gentleman from British Columbia. In the Fisheries Act of 1868, section seven, sub-section eight, it is enacted that "all nets, or other lawful appliances which capture salmon, shall be placed at distances of not less than 250 yards apart, without intermediate fishing material of any kind being set or used in and about any other part of the stream, and drifting for salmon shall be illegal;" then again the 10th sub-section states that "no salmon shall be captured within 200 yards of the mouth of any tributary creek or stream which salmon frequent to spawn;" and in the 11th sub-section it is set forth that "except in the manner known as fly-surface-fishing with a rod and line, salmon shall not be fished for, caught or killed at any artificial pass or salmon leap, nor in any pool where salmon spawn."

This Act did not apply, at the time of its passage, to British Columbia, and I am uncertain whether, by any amending Act it has been applied to that Province. The hon. Minister of Justice however would know.

HON. SIR ALEX. CAMPBELL—I do not know that it has been.

HON. MR. MACDONALD—I may state that the people of British Columbia are perfectly satisfied with the existing regulations. The Indians bring us in fish when they like, and under the regulations now in force the white men pay a license fee.

HON. MR. POWER—I presume the intention of the Bill is a good one; I think, however, there are some defects in it, to which I was going to call the attention of the Minister of Justice with a suggestion that those objections might be considered, and that when the Bill went into committee—which I hope will not be to-day—the Minister might be prepared, after consideration. to remove those objectionable features if he thought they really existed. The Minister has taken the ground that we have power to grant licenses to the riparian proprietors, to fish in waters where they already have a right to fish.

HON. SIR ALEX. CAMPBELL—I do not think it is quite right to grant licenses, but we might impose regulations.

HON. MR. POWER—There is no question about the power to impose regulations: the Supreme Court did not question that; but the first section of this Bill provides that fishery licenses or leases may be issued for fishing wheresoever situated or carried on. And then in order to show that it means to deal with those riparian proprietors, a proviso to this first clause says that no lease or license shall be issued other than a license to fish at a certain time or in a certain mode, and then only to the person in whom the exclusive right is vested. Now, I think if the Minister had fully considered the decision of the Supreme Court in the case of the Queen vs. Robertson, that he would have seen that the court decided expressly that this Parliament had no right to grant such licenses, and that those licenses were void and illegal.

HON. SIR ALEX. CAMPBELL—The court decided that we could not grant those licenses to other persons. For example, if the riparian owner was the hon. gentleman who is speaking, and the license was granted to me—that was declared to be illegal.

HON. MR. POWER—I think I can convince the hon. gentleman, that my understanding of the decision is correct. I shall read from the head note the following clause:—

"That the rights of fishing in a river, such as is that part of the *Miramichi* from *Price's Bend* to its source, are an incident to the grant of the land through which such river flows, and where such grants have been made there is no authority given by the British North America Act, 1867, to grant a right to fish, and the Dominion Parliament has no right to give such authority."

HON. SIR ALEX. CAMPBELL—It is proposed not to give it any more.

HON. MR. POWER—If the hon. gentleman will allow me to go on, I think I shall show him that my point is well taken. The 4th clause of the same head-note gives the decision on another point, in the following words:—

"That the ungranted lands in the Province of *New Brunswick* being in the Crown for the benefit of the people of *New Brunswick*, the exclusive right to fish follows as an incident, and is in the Crown as trustee for the benefit of the people of the Province, and therefore a license by the Minister of Marine and Fisheries to fish in the streams running through provincial property would be illegal."

I shall now read the conclusions arrived at by the Chief Justice of the Supreme Court, which conclusions were concurred in by the other judges:—

"I think Mr. Justice *Fisher* in *Steadman* v. *Robertson* took a correct view of the law. I have arrived at like conclusions, viz: that it was not the intention of the *British North America Act*, 1867, to give the Parliament of *Canada* any greater power than had been previously exercised by the separate legislatures of the provinces; that is, the general power for the regulation and protection of the fisheries; that the Act of the Parliament of *Canada*, 31 Victoria chapter 60, recognizes that view, and while it provides for the regulation and protection of the fisheries, it does not interfere with existing exclusive rights of fishing, whether provincial or private, but only authorizes the granting of leases where the property and therefore the right of fishing thereto belongs to the Dominion, or where such rights do not already exist by law; that the exclusive right of fishing in rivers such as the *Miramichi* at *Price's Bend* and from thence to its source, as described in the case, exist by law in the Provincial Government of New Brunswick or its grantees; that any lease granted by the Minister of Marine and Fisheries, to fish in such fresh water non-tidal rivers, which are not the property of the Dominion, or in which the

soil is not in the Dominion, is illegal; that where the exclusive right to fish has been acquired as incident to a grant of the land through which such river flows, there is no authority given by the Canadian Act to grant a right to fish, and the Dominion Parliament has no right to give such authority; and also that the ungranted lands in the Province of New Brunswick, being in the Crown for the benefit of the people of *New Brunswick*, the exclusive right to fish follows as an incident, and is in the Crown as trustee for the benefit of the people of the Province, exclusively, and therefore a license by the Minister of Marine and Fisheries to fish in streams running through provincial property or private lands is illegal, and consequently the lease or license issued to the suppliant is null and void."

HON. SIR ALEX. CAMPBELL—What the hon. gentleman is reading does not affect the question at all.

HON. MR. POWER.—I think it is for the House to judge whether it does or does not affect the case, I do not think it is fair to attempt to choke off discussion on such an important subject.

HON. SIR ALEX. CAMPBELL—There is no desire to choke off discussion, but there ought to be some discretion used in reading long extracts to the House. We do not propose in this Bill to grant a right to the riparian owner to fish. Does not the hon. gentleman see the distinction between leasing and regulating the time for fishing and the mode of fishing? We do not propose to lease in any way; we admit that the fishing belong to the riparian owner, subject to the general laws regulating the fisheries.

HON. MR. POWER—The hon. gentleman may re-state that position as often as he pleases, but until the Bill is amended, it will not express his intention. If the riparian owner has the right to fish, how can the Dominion Government give him a license if they have no right in the matter?

HON. SIR ALEX. CAMPBELL—Are not a man's fishing and shooting his own in England or France or Germany, and yet they are subject to the general laws regulating the preservation of fish and game, and the owner's take out license that there may be some control, not over the fisheries themselves, but over the mode of using them?

HON. MR. ALEXANDER—The Government issues licenses in England and gets three guineas from every gentleman who shoots.

HON. MR. POWER—They license guns in England; I do not think they license lands. To undertake to say that a man shall not fish until he gets a license from the Dominion Government is simply an attempt to fly in the teeth of the decision of the Supreme Court.

HON. SIR ALEX. CAMPBELL—They are restrained by the license to fishing by certain modes and within certain seasons.

HON. MR. POWER—The law restrains them without a license.

HON. SIR ALEX. CAMPBELL—If the riparian owner submits to the laws and regulations I daresay that this Bill does not enforce it upon him.

HON. MR. POWER—That is coming to a different conclusion. If the Minister of Justice only considers the concluding words of the decision of the Chief Justice, he will see that I am right.

The decision of Judge Strong is to the same effect, that those licenses were void altogether. I am not going to trouble the House by reading any more extracts, because I see that the Minister of Justice is very anxious that there should be no more of them read.

HON. SIR ALEX. CAMPBELL—I am willing to listen to anything that gives us valuable information.

HON. MR. POWER—There is another feature of this Bill, to which the attention of the House should be called. The Department of Marine and Fisheries (I do not say the Minister, because every hon. gentleman knows that the bulk of the legislation does not come from the heads of Departments, but from the deputy heads, or some officers who may have hobbies, and the Ministers themselves are not responsible for it) last year undertook to declare that licenses should be taken out for fishing in the ocean down in Nova Scotia. I know that in the County of Guysboro' the attempt to insist upon those licenses was given up, and the money was repaid to the fishermen who had paid it.

HON. MR. MILLER—For lobster fishing?

HON. MR. POWER—No, I presume it was salmon fishing. The point that I think the Minister of Justice should consider is this: he is able to look at this question, not from a departmental standpoint, but from a broad statesmanlike point of view. The truth is that the Commissioner of Fisheries and his subordinate officer had got into this litigation in New Brunswick, and they had their attention directed altogether to the case of New Brunswick, and the difficulties that had arisen there; and they were not looking at the circumstances of other portions of the Dominion; and it seems to me that the Minister of Justice, looking at the thing in a broader way, should be able to correct the defects which are so apparent in this Bill. In Nova Scotia the fishermen have been fishing in the waters of the ocean without license ever since white men first settled in that Province. As a rule, they are not wealthy people, and they would be very likely to forget all about taking out licenses to fish; as they and their fathers and their grandfathers before them had always considered the ocean free to everybody. This regulation of the Department of Marine and Fisheries would seem to them to be as great an outrage, as it would be to compel a farmer to take out a license to plough his land. If this provision is intended to protect the salmon fisheries it should be limited to that intent, as the Minister will see that it is capable of being greatly abused. Under the provision as it stands, a fisherman who goes out to catch lobsters, mackerel or herring might be obliged to take out a license; and thus would be caused a great deal of useless annoyance to a very deserving and industrious class of our population. This interference on the part of the Dominion Government with the private affairs of the people is a new thing to the Maritime Provinces. It is not the English system, nor is it the American system. The policy in England and the United States is to interfere as little as possible with the private business of individuals. In France and Germany, where they boast of paternal governments, the bureaucrats, no doubt, interfere with all the details of private life; but life in France and Germany under such a system is something that Englishmen or Americans could not tolerate. Yet it looks as if the Department of Marine and Fisheries here were proposing to introduce a similar system into Canada. When the House goes into Committee I shall call the attention of the Minister of Justice to the 5th sub-section of section three, which I think, is a step altogether in the wrong direction. It is an amendment of section 16 of the Fisheries Act. Sub-section five of section 16 of the Fisheries Act is as follows:—

> "One moiety of every fine or penalty levied by virtue of this Act, shall belong to Her Majesty, and the remaining half thereof shall be paid to the prosecutor, together with costs taxed to him for attendance as a witness or otherwise.

The effect of that was that no matter who it was that caught a man violating the fisheries law he got half the fine. The amendment provides that if the prosecutor is a fishery overseer, or warden, or guardian, he gets no share of the fine. If these officers were paid enough salary to enable them to devote their whole time to the duties of their offices, and neglect their own business for the purpose of looking after parties violating the fishery laws, this amendment would be all very well; but they are not; and I would suggest to the Minister of Justice that this alteration will prove decidedly injurious to the work of protecting the fisheries.

HON. MR. ALLAN—When I first read the Bill I was under the impression that the latter part of clause two was intended specially to guard the rights of riparian proprietors. I thought that the right of riparian proprietors to fish in the waters opposite their property was not to be questioned in any way; that they were simply obliged by it to observe the close seasons, and be guided by the regulations as to the manner in which fish shall be caught.

HON. SIR ALEX. CAMPBELL—That is all.

HON. MR. ALLAN—I do not know whether I am right in supposing that this clause merely gives power to the Minister of Marine and Fisheries to issue licenses for sea fisheries where the circumstances of the case call for it?

HON. MR. POWER—Would the hon. gentleman feel disposed to authorize the Minister of Agriculture to issue licenses to farmers to plough their farms?

HON. MR. ALLAN—That is a totally different thing.

HON. SIR ALEX. CAMPBELL—You force a farmer to cut down the thistles that grow on his farm!

HON. MR. ALLAN—I apprehend that where the license is issued, the riparian proprietor is not obliged to renew it, as long as he remains the proprietor?

HON. SIR ALEX. CAMPBELL—He is not limited to time; it is simply to say that he shall not fish out of season, or by illegal means.

HON. MR. READ—No doubt we all desire to preserve our rights, but there are many private rights that are subservient to the rights of the public. The hon. gentleman from Lunenburg has contended that if a man owns a piece of land, he has a right to do with it as he pleases; that he has a right to kill game as he pleases, as long as it is in the season. But what is the law in England? In England a man cannot, on his own land, pursue game without having a license therefor. If the proprietor of the land were caught with a gun in his hands in pursuit of game, he would be at once asked by the first policeman for his license. Such a regulation is not considered a hardship, because it is in the interest of the general public. If people were allowed to go where they pleased, and when they pleased in pursuit of game, there would soon be no game left, and the same rule applies to the preservation of fisheries.

HON. MR. POWER—Would the hon. gentleman allow me to ask him if he would like to see that system introduced in this country?

HON. MR. READ—I would like any regulation introduced that preserved the rights of the people. I would like to get all the privileges I could, but I think it is only proper that we should all come under regulations for the general good of the community.

HON. MR. PLUMB—My hon. friend from Halifax was pleased to make a somewhat severe remark a little while ago, which, I think, was utterly uncalled for. The hon. gentleman, who certainly has the privilege of addressing this House, and takes it as often as any hon. member in it, chose to sit down while he was speaking. He did not sit down because he was called to order. He sat down, and I supposed he had ended, and when he rose again I supposed he was making another speech. I had a right to think so. It is the usage in the other House, where I have had some little experience. The hon. gentleman took his seat, and I took notice of his rising again as I had a perfect right to do, and when I want to learn anything about parliamentary usage or the rules of order, I certainly shall not sit at the feet of the Gamaliel on the opposite side of the House.

HON. MR. POWER—Is the hon. gentleman not out of order now?

HON. MR. PLUMB—I am not out of order, and I do not wish the hon. gentleman to interrupt me. With regard to this Bill, the exception taken by the hon. gentleman from British Columbia, I think, is entirely correct. He reads that section as it must be interpreted. It provides that

> "It shall be unlawful to use nets or other apparatus for catching salmon except in tidal waters the boundary whereof may be defined by the Minister, or in such rivers or lakes or portions of rivers or lakes as shall by Order in Council be set apart for that purpose."

Those are specially set apart, but I have no doubt that in cases such as have been suggested by my hon. friend, where persons depend on the use of salmon for subsistence they will be protected by the Minister or by Order-in-Council.

There can be no doubt that the intention of the section which has been criticized by the hon. member from Halifax is that those who have riparian rights shall simply be restrained in the exercise of fishing, by such laws as regulate the fisheries throughout the Dominion, and that the riparian owner shall exercise the exclusive right as such owner. That I believe is very clear. The license granted to him does not involve the payment of any fee, and it cannot therefore

be any special hardship to him. The illustration given by the hon. gentleman from Halifax in respect to the fishing in tide-ways etc., as practiced by the fishermen of Nova Scotia and elsewhere, does not bear upon this question, and it is not at all likely that they will be otherwise restrained than they have always been; but the hon. gentleman knows perfectly well that the game laws prohibit a man from killing game on his own farm out of season. He is restricted, although he owns the land, because he has not the right to destroy the game that happens to come upon it in certain seasons. In the same way, the man who has riparian rights is not allowed out of season to kill the salmon that are swimming up and down the river which flows past his land. He ought not to have the privilege except in proper season, although it may not be within the power of the law to grant the right to any person else but the regular owner to kill them in the proper season. I am very glad that the Government have brought in an amendment to the law to conform it to the decisions that have been arrived at in regard to those rights. It seems to me that the section is in perfect conformity with those decisions; that the license is not a lease, that it cannot be granted to any person but the man who owns the property, and it is perfectly right that he should be restrained within the general law.

HON. MR. MASSON—Are the Indians of British Columbia allowed to kill salmon irrespective of the Fisheries Act?

HON. SIR ALEX. CAMPBELL—No.

HON. MR. MASSON—If they are not, I do not see any other means by which the Government can remedy the matter, except by license.

HON. MR. POWER—I am sorry that the hon. gentleman from Niagara is under a misapprehension as to what my inentions were. When I was speaking, the hon. gentleman from Victoria (Mr. Macdonald I think it was) interrupted me, and according to the general practice of this House, while that gentleman was speaking I sat down; and I got up again when he sat down.

HON. MR. HAYTHORNE—It must be pretty well admitted that very much of this discussion would have been more appropriate and regular had the House been in committee. I do not say it has been without its advantages, though it is somewhat irregular. I now wish to refer to the remarks of the hon. gentleman from Richmond. I only partially concur in the encomiums which that hon. gentleman paid to the management by the Government of the fisheries, in the Maritime Provinces, so far at least as the Province with which I am connected is concerned. I am free to admit that the management in some respects has been attended with very good results, and I rise in the hope that the remarks I make may have a beneficial effect hereafter. It seems to me that the salmon fisheries of Prince Edward Island have been very much improved by the action taken by the Government; they have preserved some of the rivers there, and the salmon spawn placed there in the natural way has been pretty well taken care of. The hatchery has also been very successful, and I may add that the Island Province has great natural facilities for the propagation of salmon of a very fine quality. There are some respects in which the Government management has not been so successful. I think there has been very generally displayed a want of information as to the natural history and habits of fish, and without such knowledge it is impossible to prevent their destruction in the spawning and hatching seasons. I think it would be a very useful thing if some body connected with the Marine and Fisheries Department should make the natural history and habits of fish, his special study, with a view to prevent the great destruction of fish out of season, and before they arrive at a proper size.

Beginning with the small fish called the "smelt," which comes up the streams in the Spring, and rising a step higher and taking into our consideration the gaspereaux and herrings, I conceive that nature has provided these as the prey for the larger species of fish, and if the smaller ones are destroyed in a wasteful and injudicious manner it is quite obvious that the larger ones must go without their natural food Now these are points to which I think the Government can very properly turn their attention with benefit to themselves, and to the Province. But

there is one special branch of industry with reference to the fisheries for which our Province has always been, and still is, particularly well qualified by nature; I refer to the cultivation of oysters. There have been natural beds of oysters in almost every creek and bay of Prince Edward Island into which the tide flows, to an extent and depth which would probably surprise hon gentlemen if they could be made aware of it. These beds are now decayed and useless for any other purpose except as manure, or it may be as a sort of nidus for the oyster spat. For the purpose of manuring our fields they are exceedingly useful, but they indicate the facilities which the rivers of Prince Edward Island afford for the culivation of oysters, and I do think that any expenditure which the Government may think necessary to incur in obtaining experience and advice from experts in the cultivation of oysters would not only be well repaid to the Dominion generally but most excellently well repaid to the people of Prince Edward Island.

I stated that I thought the management of the Marine and Fisheries Department it that Island was not altogether commendable. I think that they have shown in some respects a want of firmness and promptitude in supporting their officers.

At the commencement of the winter when the breeding salmon begin to come up the rivers, the duty of the wardens is to be on the watch almost continually to prevent these fish being destroyed in the shallow water, when they may be killed with any kind of pitchfork. They are useless for food, as their flesh is almost inedible at that time, but they are full of spawn, and the trout-fishers of the Island—those men who make it their practice to cut holes in the ice, and catch trout—require salmon spawn for the purpose of bait in the winter.

The man who is supplied with salmon spawn will always catch more trout, than the man who is without that bait, and this is one of the chief difficulties in preserving salmon during the spawning season. Now it so happened last year that one of the fishery wardens of Prince Edward Island, while in pursuit of his duty was brutally beaten. He was assulted by three men whom he caught in the act of spearing, and was cruelly beaten and left lying on the ground. This was in the beginning of November. He managed to find his way to his home where he lay for several months afterwards, without being capable of performing his duties. He had an arm broken, besides being seriously injured about the head and body. Strange to say, the Department took no notice of this brutal and unwarranted assault, until after the Session of Parliament, and then, some two months ago, a reward was offered for the discovery of the men who had perpetrated the outrage. The man who was so injured in the puplic service received some indemnity for his loss of time and the injuries he had sustained, and his expenses and the doctor's bill. I am told the result of offering the reward is that two individuals are held for trial at the next Session of the Superior Court I certainly think that if the Department had shown a little more promptitude in supporting their officers, and bringing the offenders to justice, they would have done good service to their country at large, and done the Department an infinite deal of credit.

I do not care to enlarge very much on the general scope of this Bill and what has been said about licenses. My own opinion is that there is no great benefit to be derived from them. The Minister tells us that the person holding a license will be limited to killing fish during a certain season of the year, as it is not possible that this object can be attained without a license.

HON. SIR ALEX. CAMPBELL—I rather think, on reading the Bill over again, that it will not be necessary for a riparian owner to take out a license, but only to subject himself to the regulations.

HON. MR. HAYTHORNE—I am very glad to hear the hon. Minister say so. Before resuming my seat I must express my hope that the Department will not only exercise a little more promptitude in supporting their officers and repressing offences against the fishery laws, but will also make it part of their business to investigate the natural history of fish. I am not without hope that the great exhibition which is now taking place in London will lead to beneficial results in this way. Other nations are far in advance of ourselves in this respect, but knowing very

well the intelligence of the present Minister of Marine and Fisheries, I cannot but hope that when he returns from London he will bring with him a vast amount of useful information on all subjects connected with the fisheries, and especially information relating to the rearing and breeding of fish and the re-stocking of waters which have been exhausted from ill-management or any other cause.

One word before I sit down, in regard to my hon friend's statement, in reference to salmon, in British Columbia. Of course it is exceedingly interesting to hear of the great abundance of fish in that country, but if my hon. friend were in his seat I would remind him that it is scarcely two centuries ago since the rivers of Scotland abounded with salmon to quite as great a degree as the rivers of British Columbia are represented to abound with them now, and we all know that it is only by artificial means and very careful preservation that the rivers of Scotland and other parts of great Britain can be kept stocked. If it were not for the great care and skill which have been displayed, it is probable that the salmon would be an extinct fish to-day. in Great Britain, where two centuries ago it existed in such quantities.

HON. MR. KAULBACH—I am very glad that the Minister of Justice has admitted that it is not necessary for a riparian owner to take out a license in order to fish.

HON. SIR ALEX. CAMPBELL—I did not say that. What I said, was that on reading the Bill I thought it was likely that would be the construction of the clause. I see that the word is "may" and therefore I apprehend that possibly the owner of the land will not be required to take out a license.

HON. MR. KAULBACH—My hon. friend from Belleville, in commenting upon what I said, remarked that in England a man could not shoot game on his own property without a license. But that is not a parallel case to this. Because there the game is not an incident of the property, and does not pass by grant to the owner. It is the royal game, and is preserved by and for the Crown. The hon. gentleman from Niagara said that Indians are exempt from the operation of the Game and Fisheries Acts. I hope that announcement will not be made public, because our Indians generally, I am sorry to say, are the persons who poach the most frequently, and do the most injury to the fisheries and to game, though there is a good deal of sympathy for men who are merely pursuing their natural vocation. They are often brought up and fined for the violation of the fishery regulations. It is well that they should know that they are not exempt from the operation of the law.

The motion was agreed to, and the Bill was read the second time.

GOVERNMENT TIMBER SLIDES BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (126), "An Act to make further provision respecting the regulation and collection of tolls on Government timber slides and other works constructed to facilitate the transmission of timber, lumber and sawlogs.

The motion was agreed to, and the Bill was read the second time.

NATURALIZATION OF ALIENS IN MANITOBA, BILL.

SECOND READING.

HON. SIR. ALEX. CAMPBELL moved the second reading of Bill (V), "An Act to legalize proceedings for the naturalization of certain aliens in the Province of Manitoba."

He said: The Dominion Lands Act provides that patents shall only be issued to Her Majesty's subjects, naturalized or born. In Manitoba a good many foreigners intended to be naturalized and applied to the proper officers on that behalf. The impression prevailed in Manitoba that the naturalization Act of 1881 was in force, and they were naturalized under that Act, whereas in truth that Act was not in force and their proceedings were irregular. This Bill is to confirm what was done, and to declare that those aliens had become by the steps they took, and which steps were

somewhat in error, naturalized subjects of Her Majesty.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 5.20 p. m.

THE SENATE.

Ottawa, Saturday, May 19th, 1883.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CANADIAN ELECTRIC LIGHT COMPANY'S BILL.

THIRD READING.

The Order of the day having been called for the consideration of the amendments proposed by the Committee on Standing Orders and Private Bills to Bill (105), "An Act for granting certain powers to the Canadian Electric Light Company,"

HON. MR. PLUMB having read the amendments, said:

The spirit of these amendments is simply this: the Company asked that this Bill should define malicious injury to their property, as a criminal act coming within the definition of simple larceny, but it was not thought advisable that such a provision should be adopted, and it was necessary to make certain amendments in the Bill accordingly. I learn from my hon. friend the Minister of Justice that as the Bill now stands there will be no opposition to it, and I would therefore move that the amendments be adopted.

HON. SIR ALEX. CAMPBELL.—As the clauses which made injuries to the Company's property criminal to an extraordinary degree, have been struck out, the Bill is now unobjectionable.

The motion was agreed to, and the amendments were adopted accordingly.

HON. MR. PLUMB moved that the Bill be read the third time.

The motion was agreed to, and the Bil was read the third time and passed.

FISHERIES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (101,) "An Act further to amend the Fisheries Acts.'

HON. SIR ALEX. CAMPBELL thought, with a little explanation, the first clause would meet the approbation of the Committee. In the first place it was not intended to require licenses for rod fishing, and the provision of the Bill requiring a riparian owner to take out a license did not apply to his right of fishing with the rod. Subsequent provisions authorized licenses to be issued to riparian owners for fishing with nets for commercial purposes. It was thought that in such cases they should be required to have a license, and it was proposed to restrain them to such modes and times of fishing as would not interfere with the rights of proprietors above or below them: they were to fish with such nets and apparatus as were not prescribed by the general regulations under the 7th section.

HON. MR. POWER was glad to hear the explanation which had just been given, but with regard to the proviso of that section which was as follows:

"Provided that where an exclusive right of fishing exists by law, no lease or license shall be issued other than a license to fish at a certain time or in a certain mode, and then only to the person in whom the exclusive right is vested,"

he would submit that every license to fish was a license of that kind. No holder of a license or lease was authorized to fish otherwise than according to the laws and regulations which govern fishing; consequently it seemed to him that that description of the license was imperfect altogether. He thought it would be better to recognize distinctly the rights of riparian owners and he would therefore suggest the following instead of the proviso in that clause.

"Provided, that where an exclusive right of fishing exists by law in any Government, riparian proprietor, person or authority other than the Government of Canada, the owner

of such right shall not be obliged to obtain a lease or license for the exercise of the same, but may exercise such right subject only to the provisions of the laws for the time being, in force for the preservation and protection of the fisheries, and to regulations duly made thereunder, which laws and regulations shall not prevent rod fishing by such owner, except during the close season."

HON. MR. MILLER—That amendment is the very opposite of the explanation given by the Minister of Justice.

HON. MR. POWER thought that his amendment expressed the intention of the Minister better than the clause as it stood.

HON. SIR ALEX. CAMPBELL was satisfied that the clause expressed the intention very well, and there could be no misunderstanding about it.

HON. MR. POWER said that the decision of the Supreme Court declared in most positive terms that the licenses granted by the Minister of Marine and Fisheries in such cases were illegal and void.

HON. SIR ALEX. CAMPBELL—No, it did not decide that; it decided that a lease given to "A" to fish in front of the lands of "B" is void; that is all.

HON. MR. ALEXANDER contended that if bag nets were permitted to be used, as they are now six days in the week, in tidal waters, and nets were allowed to be used in the pools of the rivers, the salmon would soon be almost exterminated.

HON. MR. PLUMB said the Bill would not permit anybody to use nets or other apparatus for catching salmon in tidal waters, except in places which should be set apart, and defined by the Minister, or Order-in-Council, and in such places so set apart it shall be unlawful to fish without a lease or license.

HON. MR. POWER—Do I understand the Minister to say that rod fishing is not prohibited?

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. POWER quoted from an Order-in-Council, dated the 11th of June, 1879, to the effect that fishing for salmon, except under license, was prohibited.

HON. SIR ALEX. CAMPBELL said that was under the old act previous to the decision of the court. The object of the Bill was to conform to the judgment of the court; there was no intention to interfere with the riparian owner fishing, but if he wished to use nets he should have a license.

HON. MR. DEVER said he would be sorry if anyone was allowed to fish with nets in fresh water. The salmon only enter the fresh water for the purpose of spawning, and nobody should be allowed to catch them with nets there.

HON. MR. PELLETIER objected to the riparian owner being obliged to take out a license to exercise a right which he possessed. Let the regulations be published, and if he violated them he should be punished.

HON. SIR ALEX. CAMPBELL thought there was no hardship in asking the riparian owner to take out a license as the best evidence of the agreement between him and the Government, not as to his right to fish, but as to the mode in which he should exercise his right. There would be less liability to misunderstandings and violations of the law, and he would have the protection of being able to punish anyone who interfered with his rights. It would be no great hardship to him, if he fished for purposes of commerce, to take out a license.

HON. MR. KAULBACH thought that this legislation would be in the interest of the riparian owner, and would protect him in his rights.

HON. MR. NELSON said that on the Pacific coast the salmon were altogether taken in the rivers, and the industry was so extensive that the products of the salmon fishery exported annually, amounted to $7,000,000. To prevent fishing for salmon in the rivers of British Columbia, would be to destroy an important industry.

HON. SIR ALEX. CAMPBELL said there was a provision by which certain

rivers could be set apart, if necessary, and care would be taken that no injury would be done to the fishing industry in any part of the Dominion.

HON. MR. CHAPAIS said that the provision in the second clause was directed against the riparian owners in the Province of Quebec. In former years the Government officials had endeavored to compel those people to take out licenses, but had failed, as their right had existed and been recognized from the early settlement of the Province, and had been guaranteed to them when Canada was ceded to Great Britain. It was granted originally to the seigniors, and by them transferred to the riparian owners of the present time. He strongly objected to this provision as an interference with the rights of the people of Quebec.

HON. SIR ALEX. CAMPBELL thought his hon. friend would admit that the fisheries of the Province of Quebec had been greatly improved under the regulations of the Department of Fisheries, and consequently were of greater value to the riparian owners. Admitting, as the Government did to the fullest extent, the rights of those persons, it was certainly desirable to preserve and increase the value of the fisheries. That had been the object of all legislation of this kind ever since Confederation. It was simply a question of the value which the seigniors got in return for their licenses. A large amount was expended annually in protecting the fisheries from which the riparian owners derived more or less benefit, and there was nothing unreasonable in asking a man who is going to fish, not for the purposes of his family, but for the purposes of commerce, to pay four or five dollars for a license. It was a small return to give for the advantages which he derived from the protection afforded by the Department.

HON. MR. TRUDEL thought that every one would be ready to support a measure for the protection of the fisheries, but the Government had no right to interfere with vested rights. He freely admitted that there might be strong reasons, even in the interests of the proprietors, to protect their fisheries; but there was no more reason to exact a license of this kind, under the pretence of improving the fisheries, than to take a man's land from him because he did not know how to cultivate it, and impose a tax upon him for the privilege of working in his own fields. He understood how the present condition of affairs was brought about. The absolute right of fishing was given at a time when probably no one foresaw that the fisheries would require such protection. For instance, to-day we do not feel any necessity of protecting the fisheries on the banks of Newfoundland; nor do we consider it necessary to impose strict regulations on hunting and fishing in the far North-West, because it is considered impossible that the fish and game in those vast solitudes will be exhausted, but in the meantime the right of the proprietor is there. It is conceded the same as seigniorial rights were.

This license was more than a police regulation, because it imposed upon the proprietor of the riparian right, the payment of a certain sum before he could use his own property. The right of property was held to be the right to use or abuse it.

HON. SIR ALEX. CAMPBELL said there was the restriction that a man was not to use his property in such a manner as to injure his neighbor.

HON. MR. TRUDEL contended that this Bill was an infringement on private rights, and if permitted, there was no saying where it might end.

HON. MR. MASSON said that certain parties had acquired rights from riparian owners in Quebec to fish according to the laws of the country when those rights were given. If the laws of the country changed, and if for the general good it was decided that fishing should be carried on under regulations, the fact that such rights had been acquired prior to these new regulations would not carry with it the privilege of continuing to fish in the old way. Under this Bill parties who had acquired the right to fish, provided they fished according to the regulations now in existence, would not have their riparian rights interfered with, but they would be required to pay a license fee. That fee might be insignificant, but if they admitted the right that a man could be compelled to pay a

license fee of $2 there was nothing to prevent the state from imposing a license fee of $10. He contended that those who had the special right to fish opposite their property should be allowed to fish without license, but should come under the general regulations governing the fisheries of the Dominion.

HON. SIR ALEX. CAMPBELL considered that while they had the right to fish they were not entitled to the advantages which were derived from the expenditure of money by the Dominion Government for the protection and propogation of the fish without contributing something towards it.

HON. MR. MASSON said it was placing the man who had an inherent right to fish in a certain river in exactly the same position as the man who had no right, if they both had to pay a license fee for permission to fish.

HON. MR. HOWLAN thought some hon. gentlemen took a wrong view of the intention of the Bill. It did not interfere with the proper rights of riparian owners, who would be allowed all proper latitude in the direction of fishing. It would not, however, be right that a man should be allowed to use traps, bag nets or other apparatus which would tend to destroy fishing in his immediate neighborhood and eventually, perhaps, throughout the whole river. Therefore they provided in this Bill that if he intends to fish with any such apparatus, he must have a license to do so, which carries with it certain regulations as to the use of such apparatus. With regard to British Columbia, the Bill says that the Government may set apart certain rivers, and the intention of this legislation altogether being of a paternal character, it might fairly be assumed that, while provision would be made in order that fish should not be wantonly destroyed, all just and reasonable claims of particular localities would doubtless be met, the Government being given power to meet such cases. The aim of the Government, in this Bill, was merely to enforce desirable regulalations for the protection of what is a public possession. The fisheries are the most important source of wealth possessed by the Dominion. Their value is greater than our iron, gold, silver or other mines, and it is only right that they should be surrounded with proper safeguards and regulations.

HON. MR. BELLEROSE thought the view of the hon. Minister of Justice in regard to this question was not a proper one. There was a great difference between the position of the province of Quebec and other provinces of the Dominion. In Quebec the fishing rights are owned by the various proprietors. That property has been bought and paid for, and consequently the imposing of a license is not a protection but rather a restriction of their rights. It is, in fact, taking away from these proprietors, for a short time, the control of their own property, and as these police regulations are therefore not so much in the interest of these proprietors as of the public at large, it is not fair to tax these owners, but the cost of such regulations should properly be borne by the public who are benefited. Though in favor of all proper and necessary protective measures, and desirous that any abuse of existing privileges should be remedied, yet he knew it sometimes happened that the regulations sought to be imposed by the Government, would, if carried out, entail unnecessary hardship. About two years ago residents along the Ottawa River complained that the right to fish for twelve months of the year had been withdrawn by the Government, and on enquiry it was discovered that those regulations had been issued at the request of certain amateur fisherman of Montreal and elsewhere. Upon the matter however being explained to the Department of Marine and Fisheries that unreasonable restriction was removed, and the people along that river were allowed to fish for about eleven months in the year, while one month was set apart during which the the privilege of fishing was not allowed.

HON. MR. DEVER thought if the House of Commons' contention was practically admitted and applied, it might happen that a proprietor in Quebec, owning the land on both sides of a river, would have the right to extend a net from one side to the other, and stop the fish from going up to his neighbors.

HON. MR. DEBOUCHERVILLE said that the Government were trying by means

of this Act to improve and ameliorate our fisheries, but were now assuming rights which had been renounced by another Act. The Supreme Court recently acknowledged that certain rights, which had been in doubt, belonged to the riparian owners, and it might fairly be assumed that those owners would not act in such a way as to injure the fisheries, or to go against the protection intended to be given by this law. Indeed, by this law the Government would take from the owners rights which it had been acknowledged belonged to them, as appears by the Act of 1868, and it appeared to him that there was no necessity for the second clause which provides for the issue of licenses to those owners.

HON. MR. CHAPAIS moved that a second proviso be added to the second clause, in these words "provided also that in the case of individuals who are riparian owners, no fee shall be charged for such licenses."

HON. MR. DEBOUCHERVILLE suggested that the second clause should be struck out entirely.

HON. SIR ALEX. CAMPBELL declined to adopt that suggestion.

HON. MR. CHAPAIS said his intention was to move that the whole proviso be struck out. He would, however meet the hon. gentleman half way, and he therefore moved that the amendment which he had just read be adopted.

HON. MR. PELLETIER—It is well understood that if we accept that amend ment it is because we cannot get any more..

The amendment was agreed to, and the second clause as amended was adopted.

On the 6th sub-section,

HON. MR. NELSON gave notice that he would, on the third reading, move that a clause be inserted in the interest of the Province of British Columbia.

HON. SIR ALEX. CAMPBELL explained that under the proposed Bill the Government had full power to meet the special conditions of any locality or Province, and if it were found necessary to exempt certain rivers in the Province of British Columbia, the Government could and would exempt them.

HON. MR. POWER moved, in amendment to sub-section 6, in order to make the meaning of the Bill clearer, that in the first and 25th lines, after the word "apparatus," the words, "other than rod and line," be inserted.

The motion was agreed to, and the 6th sub-section, as amended, was carried.

On the 5th clause.

HON. SIR ALEX. CAMPBELL explained that where fishery officers or wardens were entitled to a moiety of fines, their evidence was constantly objected to by the defendants, on the ground that those officers were interested; for that reason, and because in other quarters it was thought the provision in respect to the sharing in fines, had a tendency to make the officers over zealous, it had been decided to alter it.

HON. MR. POWER said that in the Province of Nova Scotia the great difficulty was that there was not sufficient zeal on the part of the fishery officers, who received very small remuneration; and unless some such inducement as that offered by the original sub-section five of this 16th section was held out to them he feared no great pains would be taken to secure the conviction of offenders. He also called attention to the fact that the present state of things in Nova Scotia, with respect to the river fisheries is not satisfactory, and that the law is continually being violated almost under the eyes of the fisheries officers.

HON. SIR ALEX. CAMPBELL said that he would draw the attention of the Department to the statement of the hon. gentleman with regard to Nova Scotia, but the experience of the Department throughout the rest of the Dominion had been that the effect of giving one-half the fine to the fishery guardian rendered it more difficult to obtain conviction, on account of the prejudice that the guardian was swearing money into his own pocket.

HON. MR. POWER—The same argument would apply to any other informer.

HON. SIR ALEX. CAMPBELL—No, because a common informer does not give evidence.

On the 6th clause,

HON. MR. POWER asked if the attention of the hon. Minister of Justice had been directed to the fact that that clause undertook to prescribe the procedure in court? That was rather a matter for the Local Legislature, and he thought it objectionable on that ground.

HON. MR. MONTGOMERY, from the Committee, reported the Bill with certain amendments, which were concurred in.

HON. SIR ALEX. CAMPBELL moved that the Bill be read the third time.

The motion was agreed to. and the Bill was read the third time and passed.

GOVERNMENT TIMBER SLIDES BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (126), "An Act to make further provision respecting the regulation and collection of tolls on Government Timber Slides and other works constructed to facilitate the transmission of timber, lumber and sawlogs."

HON. SIR ALEX. CAMPBELL said the necessity for this Bill had arisen in consequence of a decision given by some of the Courts in Ontario, to the effect that the lumber made out of saw logs could not be arrested, as had been the practice for many years, for boomage and slideage due upon them. It was decided substantially that the dues upon the logs should be collected at each slide or boom before the logs left it. By the usage of the trade for many years, the logs had been allowed to go on their way and the dues were not collected until the logs arrived at the mill yard of the owner, and then at the end of the season, or some other period, the dues were collected from him. Up to that time they were deemed to be a lien upon the produce of the logs. This was done for the convenience of the mill owners and was generally assented to, but in the case referred to, a difficulty arose because the lumber had been pledged to one of the banks, and that bank, wishing to test the question and to see whether the boomage and slideage which was due upon the logs could not be got rid of, brought the matter before the Courts where it was decided that the logs could not be followed in that way. Now it was very important that the dues should continue to be collected in the manner in which they had been, and not in the other way; in fact it had become impossible to collect them in the other way. The decision of the Court was based upon the law as it stood, and that law had been enacted 30 years ago when booms were few in number, and it was possible to collect the dues at each boom, but now there were booms and slides by the score on a single river, and to say that all logs must be stopped at the beginning of the slide was to ask an impossibility. Moreover, it was in the interest of the trade that the dues should not be collected at each slide, but the logs followed down to the mill, and there when the lumber is made, a settlement may either be had a once, or with the assent of the Government, at the end of the season.

The Bill had for its object the following of the lumber up to the time it left the mill. There came then another question namely, as to the particular lumber which was to be held subject to the dues claimed. It very often happened that there was a difficulty in finding out what logs had been converted into this or that particular pile of lumber, and that was a difficulty which the Bill also dealt with, by enacting that each pile of lumber should be liable in the proportion it bore to the whole sawing of the year. That seemed to be a plain and fair principle. The suggestion made by himself afterwards was that this might be very difficult to ascertain the proportionate quantities on which dues were payable, and it might be better to fix a maximum sum for which the lumber would be chargeable. The ordinary charge was 20 cents a pile, and he suggested that instead of saying that each pile shall be liable in the proportion it bears to the whole sawing of the year that each pile shall be liable for three

times the amount due upon it—a maximum of 60 cents. The way the amount of dues is arrived at is this: the owner makes a statement of the number of logs that come to his mill, and the amount of lumber he has cut during the season. At the end of the season the statement made by the owner of the mill here is compared with the statement of the forest rangers as to the number of logs cut, and with the amount shipped at Quebec, and by taking these statements they find pretty accurately whether the statement of the mill owner is reliable, or whether further investigation is necessary.

HON. MR. READ, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

THIRD READING.

Bill (V), "An Act to legalise proceedings taken for the naturalization of certain aliens in the Province of Manitoba" passed through committee of the whole, was reported without amendment, and read the third time and passed without debate.

DEPARTMENT OF THE INTERIOR AND INDIAN AFFAIRS BILL.

FIRST, SECOND AND THIRD READINGS.

HON. SIR ALEX. CAMPBELL introduced Bill (W), "An Act to amend the Act 36 Vic., Cap. 4, intituled, 'An Act to provide for the establishment of the Department of the Interior,' and to amend 'The Indian Act, 1880.'"

He said: I hope the House will allow me to have this Bill read the first, second and third times under suspension of the rule. The object of the Bill is to allow the Minister of the Interior to separate the Department of the Interior from the Department of Indian Affairs. The Department of the Interior has grown so enormously in its duties that it is more than sufficient to occupy the time of the Minister. Hon. gentlemen know that both of those offices have been occupied for a time by the Premier, although my hon. friend the Speaker of this House has discharged the duties of one of them. It has been found to be impossible for the Premier, even though he were a much younger man than he is, or any minister to discharge the duties of both offices, and this Bill proposes that the Governor-in-Council shall designate which of the ministers shall be the superintendent of Indian Affairs, so that the Governor-in-Council, having in view the duties discharged by the several ministers, and knowing who can best spare the time for the Indian Affairs, and who is best adapted for that duty, may designate that minister for that Department.

The Bill was read the first time.

HON. SIR ALEX. CAMPBELL moved the suspension of the 41st rule, in so far as it relates to this Bill, and that the Bill be read the second time presently.

The motion was agreed to, and the Bill was read the second time.

On the motion for the third reading of the Bill,

HON. MR. POWER said: I do not think the Minister of Justice has made very clear the necessity for this Bill. I think there are many reasons why the Minister of the Interior should continue to have charge of the Indian Department. The Indians on whose account nearly all the money is expended by that branch of the Department, are peculiarly within the purview of the Minister of the Interior. They are all located in that part of the Dominion the care of which the Minister of the Interior is particularly charged with, and it seems to me that there is an appropriateness in having the Indian affairs under the control of that Minister. I cannot see the necessity for the change. If it is to be given to some Minister who has no Department to administer, such as the President of the Council, I could understand it.

HON. SIR ALEX. CAMPBELL—The appropriateness of attaching it to the Department of the Interior is the reason why it was put into the Act which this Bill proposes to alter; but it has been found to be physically impossible for any one Minister to take charge of the two Departments. At the time the Act was passed

originally the Indian Affairs were confined to the Indians of old Canada prior to the acquisition of the North-West Territories. Since the North-West has been added to the Dominion it has increased the business of the Department very much, so that it is impossible for one gentleman to administer the two branches. It is not for me to state what department is the one to which the administration of Indian Affairs should be attached, but there are certain departments where the labors of the heads of them are not so great as in the Department of the Interior. I do not think that any minister of the Government works so hard, or has so much to do, or has greater responsibilities than the head of the Department of the Interior, and to say that he should also continue to administer the Indian affairs which also involves an immense amount of labor, would be unreasonable.

HON. MR. BELLEROSE—Will this Department of Indian Affairs be placed under another head?

HON, SIR ALEX. CAMPBELL—It will be placed under another Minister. For instance the President of the Council has no departmental duties, and it may be convenient that for a time, the Dpartment of Indian Affairs may be placed in charge of that gentleman.

The motion was agreed to, and the Bill was read the third time and passed.

The Senate adjourned at 5.15 p.m.

THE SENATE.

Ottawa, Monday, May 21st, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RAILWAY TRUST & CONSTRUCTION COMPANY'S BILL.

FIRST, SECOND AND THIRD READINGS.

HON. MR. VIDAL—I have to ask the indulgence of the House with respect to a matter which I now desire to bring before them, and perhaps it would be well before asking the suspension of certain rules to explain why I make such a request. During the course of the session, a Bill came from the House of Commons, to this Chamber, which was amended at at one of its stages to bring it in harmony with the rule which is uniformly followed requiring that a majority of the Directors should be British subjects. In carrying out this intention, the Committee inserted a simple reference to the 9th section of the Joint Stock Companies Act. On looking into that section during the last day or two, it has been discovered that its terms absolutely render this Company's charter void and nugatory as far as the purposes for which it was sought are concerned. It is with a desire of rectifying this mistake—for it is only a mistake—that I have to ask the indulgence of the House to suspend certain rules, and permit of the introduction of a Bill. The latter portion of the 9th section of the Joint Stock Companies' Act requires that "a major part of the after directors of the Company shall be at all times resident in Canada, and subjects of Her Majesty by birth or naturalization." It is not proposed to disturb the earlier part of the section, but simply that portion which says that the majority of the Directors must be resident in Canada. As the corporators are resident in England, and the Company is really a British Company, it is quite obvious that if we insist upon a majority of the Directors being resident here, it will destroy the whole effect of the Bill, because its terms cannot possibly be complied with. I beg to move the suspension of the 57th and 41st rules, to permit of the introduction of Bill (X), "An Act to amend an Act of the present Session, intituled an Act to incorporate the railway Trust and Construction Company of Canada (Limited.)"

The motion was agreed to and the Bill was then read the first, second and third times, and passed under a suspension of the rules.

THE CONSTITUTION OF THE SENATE.

HON. MR. ALEXANDER rose to call the attention of the Senate to the expediency of addressing the Imperial Government, to solicit such an alteration of the

British North America Act of 1867, as will permit vacancies in this House to be filled in future by popular election.

He said : I desire to preface the remarks which I am about to make on this motion by explaining that it was not in my power to place it on the notice paper at an earlier moment, and at this advanced period of the Session I only do so for the purpose of breaking the ice so as to prepare the way for a proper and grave discussion at a future time by those who may be spared to appear here again.

I think that no man in his senses would be bold enough to declare that a second chamber such as this Senate, designed by the framers of the Confederation Act to be a co-ordinate branch of the Legislature, for the purpose of serving as a check upon all mal-administration coming either from the one party or the other, should be chosen by one man. The Senate as at present constituted shows 53 members nominated by Sir John Macdonald, 19 by the liberal party, and 4 or 5 vacancies. Is it seemly or fitting that this should go on until the whole Chamber is of one political stripe or complexion ? What are we at this moment ? We are nothing more or less than a pocket borough of the First Minister, who is the marvel of the age—who has the country, the Commons and Senate at his back, and if his proposed female franchise is carried, will have all the fair sex at his feet. A racy political writer lately observed that Sir John kept the Senate as a paddock for the worn out wheelers of the party. I do not think my hon. friend from Niagara can be placed in that category. He may have been a wheeler, or a leader, but he is certainly not worn out. I fail to see any symptoms of decay about him, and I feel that, I am placed in dangerous proximity to a gentleman that has gone through so many political battles, or conflicts.

The present first Minister is the most wonderful man of the age. But what about the means and weapons he uses ?

He has wheelers everywhere throughout the Dominion. Will the House permit one of its most humble and conservative members to devote a few moments to the first Minister's five or six wheelers here who claim the distinction of ruling this august body.

First I refer to the concerted action systematically shewn, to meet and crush any independent expression of opinion on the floor of this House. Then again the few members of the opposition now remaining, led by the hon. gentlemen from Halifax—I beg the hon. gentleman's pardon, I mean the hon. gentleman from Ottawa—naturally feel and say : what use is it for us to contend with the overwhelming force against us ; then again when some time ago a member ventured to refer to certain irregularities of one or two hon. members, his conduct was characterized in no measured terms, by the leader of the House, and the Government organ in Toronto came out with an article the following day, singling him out as an object of attack in most opprobious language. What manly conduct ! Again, those wheelers have even tried again and again to suppress the Hansard Debates, so that no record should be made of what transpires here. How very patriotic ! Such hon. Senators deserve surely to receive the distinguished honor of knighthood at the foot of the Throne !

Will any one have the temerity to assert that the Senate last session discharged its functions as a check on wrongful Acts—Acts not calculated to raise us in the estimation of the world, or in our own self-respect. I refer to such Acts as the Irish Resolutions, and the Bill known as Sir John's Gerrymandering Bill—a Bill which has been very properly characterized not only as a blunder but a crime. The education of our people is progressing. We shall soon reach that degree of political enlightenment which prevailed during the reign of George the Second under Sir Robert Walpole's administration. I have very little to add. When returned for the Gore division in 1858 as a Conservative by the powerful aid of 200 of the leaders of the Reform party in Oxford and Waterloo I pledged my word to pursue an independent course according to my own convictions in the interests of the people. I have always endeavored to do so, and because I did so before the Union my name was omitted from the first Senate roll in 1867. Such was to be expected at the hands of a colonial political leader, but it is a matter of very little moment now. It is however a matter of the greatest moment that the members of this body should take the initiative now in seeing that this House stands well before the country.

I implore you, hon. gentlemen, not to permit the sophistry of mere partizans to sway your judgment. If ever there was a country that deserves to have its institutions carried out fairly and justly, in their integrity for the general welfare, it is the Dominion of Canada, and I am sure you will all feel now that it would be far more dignified on our part to offer of our own accord to give the people a voice in the appointment of members to this body than to wait until it is forced by wide-spread agitation upon the Imperial Government.

HON. MR. POWER—I think it is to be regretted that the hon. gentleman had not brought this matter before the House at an earlier period of the Session when there would have been an opportunity to have discussed it at some length and to have given the subject the consideration that it deserves. I do not propose to go into the question now. I simply say that I am gratified to know that the hon. gentleman proposes that the matter shall be brought before the House at an early period next Session, when hon. gentlemen will have had an opportunity of considering the whole subject, and when something practical may result from their deliberations. Probably no one can realize more clearly than the members of the Government in this House how unsatisfactory it is that the Opposition should be so exceedingly weak as they are. It seems to me that if the process which has been going on for the last few years continues for a little longer, the House will be, as the hon. gentleman has stated, made up altogether from men of one shade of politics, and if a change should take place in the popular branch there would necessarily be an agitation for some alteration in this body. It would probably be in the interest of the Senate, and we should consult our own dignity rather more, by taking some steps in the matter ourselves. That some steps will be necessary I think there is no doubt.

ORDNANCE LANDS AT SOREL.

MOTION.

HON. MR. GUÉVREMONT moved:—

That an humble Address be presented to His Excellency the Governor-General, praying His Excellency to cause to be laid before this House, a Return showing all Orders in Council passed since the first day of January, 1882, together with all letters, correspondence and petitions, since the said date, with reference to the sale of, or the order for the sale of, the Ordnance Lands or parts of Ordnance Lands, situated in the Seigniory of Sorel.

He said: Persons holding rather high positions have charged me with preventing the sale of these lands in the Seigniory of Sorel, on the ground that I was an interested party, as I held the property under a lease at a very low rental. I will not use strong language, but I desire to give these charges a most emphatic denial. About the year 1878 property was almost unsaleable and I thought it my duty to advise the Government against selling the lands then, as property was a drug in the market. Times having improved since then, I myself went to the Government and advised them that then would be the time to sell, since property was commanding a better figure and that I myself intended to buy. At the same time I made an application to the Government to purchase two pieces of land, one of 14 acres and the other of about 18 acres. They subsequently sold some lots of land and received for them about twice as much as they would have realized had the lands been sold in 1878. Those parties to whom I have referred have gone so far as to petition the Government, complaining that the result of following my advice was to leave those properties in an uncultivated state; while, on the contrary, as a matter of fact, the whole of this property in question is being cultivated, and considerable sums have been spent by some of the lessees in improvements. I thought it my duty to give this public contradiction to such false and damaging statements.

HON. SIR ALEX. CAMPBELL—I did not know that my hon. friend was going to address himself to the various accusations which he informs the House have been made against him with regard to the purchase of land in the Seigniory of Sorel. Happily for us in cases of this kind the reports which prevail in various parts of the Dominion are not known all over the country, and to many of us it will probably be something new to hear of those charges against my hon. friend. I am satisfied that they are without founda-

tion, and that if the properties had been sold by auction they would not have been sold to as good advantage. The papers will be brought down, and if in any way they help my hon. friend in the course he desires to take in connection with this matter it will afford me special pleasure to produce them.

The motion was agreed to.

ORDNANCE LANDS AT SOREL

INQUIRY.

HON. MR. GUÉVREMONT enquired:

1. Whether the Government intend to sell or offer for sale Ordnance Lands situated in the Seigniory of Sorel?

2. If so, when and how? By private sale or by auction?

HON. SIR ALEX. CAMPBELL—In reply to my hon. friend's question the Government have instituted an enquiry as to the persons in possession and the extent of their improvements upon those lands; that report has been received, and I understand from my hon. friend who has discharged the duties of Minister of the Interior that he has not yet had an opportunity of studying that report. The Government invariably recognize the rights of those who happen to be in possession, and when improvements have been made of such a character as to warrant them in doing so, they sell to the persons in possession, but they do not do that if the improvements are not of a certain character—if they do not amount to a real and substantial improvement of the land. In this particular instance the report which specifies the improvements which have been made on the lands, has only been placed on the table of the Minister, and he is now considering how and when the land shall be sold, and whether by auction or private sale. He has now before him the report on the improvements made by the persons occupying those lands.

The motion was agreed to.

THE QUEBEC JUDICIARY.

MOTION.

HON. MR. BELLEROSE moved seconded by HON. MR. GUÉVREMONT:—

"That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, all letters, correspondence, &c., &c., which may have passed between the Dominion Government and the Local Government of Quebec, or some members thereof, or any parties in that Province, since the 1st January, 1881, concerning 1st- The appointment of His Honor Judge L. O. Loranger. 2nd. The appointment of the Honorable Mr. Mousseau to a Judgeship. 3rd. The resignation of His Honor Judge Matthieu.

He said:—My object in moving this address is to call to the attention of the Government, and to give them an occasion to deny certain statements which are made day after day, inside and outside of these Buildings, and which I am bound to acknowledge work injuriously against the Government of the day, and the Conservative Party. I do not credit those rumors, and I should think, it is quite enough that the Government are open to the charge of keeping amongst themselves a gentleman who, while in receipt of a Ministers pay, has spent the whole session abroad, travelling between New York, Washington and other cities. I suppose he is keeping out of the way until the close of the session, when it will be too late to bring his case before the Committee on Privileges and Elections. He is known from one end of this country to the other, as having paid some $3,800 to secure his seat as a Minister of the Crown, in violation of the election law of 1874, which enacts that "Any candidate convicted of having made any gift, loan &c., shall be incapable of being elected, and of sitting in the House of Commons..... or of holding an office in the nomination of the Crown."

I consider it is only reasonable then that I should furnish an occasion to the Government to give the lie to such injurious statements, especially as these rumors seem to be more generally credited during the last few days on account of what occured last week in the Superior Court in Three Rivers.

The seat of Mr. Dumoulin in the Quebec Assembly having been contested, some few witnesses, amongst whom was the sitting member himself, were summoned to give evidence on the eighth instant when, according to the reports in the press, three cases of corruption were at once proved, and the sitting member had to acknowledge that he had received a letter from

Attorney General Loranger, promising that should he run, his brother would be appointed to an important position. After this statement the witness was allowed to go home for the letter. Having returned, he resigned the seat offering to pay costs. Clause 252 of the Quebec election law is as follows:—

"Whosoever, to induce a person to allow himself to be nominated as a candidate.....

"1st. ....shall offer, or promise, or shall promise or try to procure for such person, or for any other person, money or valuable consideration whatsoever; or

"2nd. ....shall promise to procure, or endeavor to procure such office, place or employment for such or any other person, shall be deemed guilty of bribery, and punishable accordingly."

Clause 253. "Whoever, in consideration of any gift, loan, offer, promise or agreement, as mentioned in the preceding section, shall allow himself to be nominated,.....shall be guilty of bribery, and shall be punishable accordingly."

Clause 267. "If it is proved before any Court or Judge for the trial of election petitions, that any corrupt practice has been committed by or with the actual knowledge and consent of any candidate at an election, his election, if he has been elected, shall be void. And such candidate shall during the seven years next after the date of such decision, be incapable of being elected to, and of sitting in the Legislative Assembly, and of voting at any election of a member of that House, or of holding an office in the nomination of the Crown."

Clause 270. "Any person, other than a candidate, found guilty of any corrupt practice in any proceeding, in which after notice of the charge, he has had an opportunity of being heard, shall, during the seven years next after the time at which he is so found guilty, be incapable of being elected to and of sitting in the Legislative Assembly,..... or of holding any office in the nomination of the Crown."

Now, since Attorney General Loranger wrote this letter last summer, about the time of the general local elections for that Province, he has been appointed to a Judgeship, and this grave violation of the law before his appointment, as is now proved, being generally known to-day, gentlemen will easily understand the very many comments that are made and the inducement it is to the people at large to discuss and credit all kinds of rumors which may be put into circulation as to the appointment of Judges. I am sure if these facts had been known at the time, the appointment would not have been made. Such are the circumstances which have given more probability to the rumors I alluded to at the beginning of my remarks, and which I will now make known to this House. They are to this effect:—

According to those rumors Mr. Mousseau received last year, when the left Ottawa, to become Premier of Quebec, and to induce him to accept the exchange proposed by the then Prime Minister of Quebec and now the Secretary of State for Canada, a promise from a certain member of the present Cabine that in leaving the Premiership of Quebec, he would be raised to the bench. But that this hon. gentleman having since been forced to resign his seat in the Legislative Assembly of Quebec, on account of the evidence brought against him in the case of his contested election for personal bribery and corruption, he had been told in Ottawa that, after such a charge had been laid against him and proof given to such an extent that he himself had considered it necessary to resign his seat and so force his adversaries to discontinue the contest, the Government could not be justified in appointing him a Judge; but that if he could be re-elected and so whitewashed of his guilt, it would probably give the Government a chance to make the appointment.

Such are the rumors.

Now it seems to me to be impossible that the Government of this country, or any of their members now in Ottawa, could have made such a promise or even expressed such an opinion under the circumstances. Let me quote the evidence produced before the court in the case of Mr. Mousseau's contested election.

One of the most devoted supporters of Mr. Mousseau's Government, *Le Canadien* in its issue of the 5th May, 1883, states:

The following despatch, the importance of which it is not necessary for us to call attention to, was transmitted to us, last night, by the wires.

Though publishing it we do not mean to guarantee its correctness:—

MONTREAL, 4th May.

* * * * *

"It seems that the Premier (Mr. Mousseau) has been forced to this supreme determination (resigning his seat) by the grave statements of a hotel-keeper of Lachine, of the name of Leger. This witness acknowledged that the Prime Minister had obtained for him the remission of some penalties imposed upon him by the Government for sale of liquor without license."

The *Morning Chronicle* publishes in its issue of the 9th instant the following despatch :—

THREE RIVERS, May, 8th.

"Mr. Dumoulin, M. P. P., resigned his seat to-day in open court, on being forced to produce a letter from Attorney-General Loranger, promising the place of Sheriff to his brother Charles, if he should come forward against Mr. Turcotte."

The Montreal Daily *Star* of the 5th of May, 1883, has the following :—

"After our going to press yesterday afternoon, Pierre Godin, hotel keeper of Lachine, testified that he had been sued by the Revenue Department three times, and his liquor confiscated, but that the fines and liquors were afterwards remitted him about election time." * * * * *

And this last named journal whose independence in political matters is well known, adds: —

"It is a comparatively small matter whether Mr. Mousseau sits for Jacques Cartier or not, but it is of passing importance to Mr. Mousseau, if he is innocent of the charges against him that his innocence be proved beyond the possibility of doubt. And it is quite as important that if he is guilty, his guilt should be proved, and he be disqualified from holding any office under the Crown. The Judicial Bench is not a harbor of refuge for politicians disqualified for political life by corruption, and to permit the Premier to resign his seat in order to avoid disqualification would be the greatest scandal in our scandalous political history. The case has gone too far to be allowed to drop; the evidence given, if true, proves corruption of the worst kind by Mr. Mousseau, personally, and it is equally important to him and to the country that he should have the most complete opportunity of proving his innocence. Mr. Mercier has no right to stay his hand now. Supposing the truth of the evidence now before the Court, Mr. Mousseau is not the only Minister guilty of corruption. The Provincial Treasurer should also have an opportunity of asserting his wounded innocence. If Mr. Mousseau is guilty, however, it is a wonder he did not go abroad *for the benefit of his health*, and stay there until the time for contesting his election is prescribed, like—well, like somebody else did."

The *Montreal Gazette*, a supporter of both Governments, has the following in its issue of the 5th May, 1883 :—

THE JACQUES CARTIER ELECTION CASE.

* * * * *

The first witness in the morning was André Leger, of Lachine, who deposed that he was proprietor of Rapin's hotel; further that he had been fined $75 on two occasions and $20 and costs on a third for selling liquor without a license, and these fines were subsequently remitted by the Provincial Treasurer. In his cross-examination he stated that the Hon. Mr. Mousseau and Mr. Wurtele had called at his hotel, before the elections, and on being asked for his vote, had stated rather plainly, that he would vote for whichever side would make it worth his while; further, that he had voted for Mr. Mousseau in the belief that his fine would be remitted, and had so stated to his friends. The examination of this witness was adjourned until to-day in order that he might produce the letter of the Provincial Treasurer in which the fine was remitted.

Two other witnesses were then heard, and the report of the *Gazette* continues :

"At this junction Mr. Lacoste rose, and addressing the Court, stated that on his advice, the client, Hon. Mr. Mousseau, had resigned the contested seat, and he moved that the remaining witnesses be discharged."

Mr. Mousseau, having been forced to resign in consequence of the strong evidence produced against him at the very beginning of the enquiry, as to his violation of the election law in the manner above referred to, who could believe that the Government could entertain the least idea of raising him to the Bench, even if a promise was made to him before? I am sure there is not an honorable gentleman in this House who would believe it. Indeed it would be, on the part of the Government a sad example to the people. It is true that some of Mr. Mousseau's friends in the Commons, those who had signed the famous message to Mr. Chapleau, last winter, to which I alluded on a former occasion, succeeded in gathering some 50 or 60 friends at a grand political dinner to help Mr. Mousseau out of the difficult position he was in by showing he was popular, but neither the best speeches of those who seem to rejoice at the ruin of Quebec nor any quantity of wine could compensate for the evil done to that gentleman by the facts I have mentioned.

I have named in my motion His Honor Judge Matthieu, and I may now state that rumor has it that this gentleman has resigned or is about to resign with a view of replacing Mr. Mousseau as Premier of Quebec, in case the latter should be appointed to a Judgeship. I would regret that this hon. gentleman should do so. Representing in the Senate the part of the province where Mr. Justice Matthieu fulfils his judicial functions, I may state that His Honor seems to have gained for

himself the respect and confidence of the people of that judicial district. He is considered a hard-working and clever judge and seems to have satisfied the people, so that I may say, "He is the right man in the right place." But as a politician, I regret to say, the hon. gentleman did not leave behind him, after retiring from politics, such a reputation as would allow the people of Quebec to congratulate themselves, in case the intrigues which have taken place should be successful and he should be called upon to take the reins of power in Quebec. I only hope that the federal authorities will persuade the hon. Judge that it is better for him to retain his place.

I regret, hon. gentlemen, that I have found it my duty to call the attention of this House and of the Government to such miserable intrigues, and to such acts of bribery as those I have mentioned; but it seems evident to me that the progress which is made in this direction tends to the destruction of the morality of the people. How could it be otherwise if the best men of our country—those who are called to lead parties—are allowed to break the laws of the country, which they themselves have made? It will be an example set to the people which they certainly will follow, especially if it happens that those breakers of the laws are the very men who are selected for promotion; who are selected to hold the best paying situations, the most important, and responsible offices. Is it not, then, an inducement to others, and even to the whole people, to follow the steps of those who have by such means so well succeeded in getting what they aimed at, and is it at all extraordinary so many electors will not register their votes without being paid for so doing?

The question is a serious one—one, which, if it is not attended to in the proper time, will certainly work mischief to this country. We have made great progress in this direction during the last ten years, and if a stop is not put to such a nefarious work, it will ruin this country, and day after day demoralize its people.

Now, do we not every day hear of intrigues, jobs, bribery, corruption, &c., &c., inside and outside of Parliament, inside and outside of Governments, and when such bad examples come from the highest ranks, experience shews and common sense tells us that they soon spread through all the other ranks of society. Such, at all events, is my opinion. It is from a sense of duty I have brought this matter before the Senate, believing that the remedy for such a state of things is to be found in making known those who use such means, those who are so selfish that they are ready to sacrifice their country to their own advancement. I have now fulfilled my duty, and I hope I will have the courage to continue this good work.

HON. SIR ALEX CAMPBELL—Undoubtedly the hon. gentlemen from Delanaudiere is in the exercise of his right in making such comments in proposing this resolution as he thinks likely to induce the House to carry the motion which he has made. But he will, I hope, pardon me if I express my regret that he should think it necessary again to have attacked a number of gentlemen, in their absence; I think it exceedingly to be regretted that the hon. gentlemen should have thought it necessary to allude as he has done to the Secretary of State, allusions which are exceedingly painful to the colleagues of that gentleman, as they must be to himself when he comes to hear them. To assert of a gentleman, in his absence, and who is believed to be absent on the score of ill health, and very serious ill health, that he is absent to avoid an inquiry into a disputed election, is a very grave charge to make, and one which causes infinite pain to many who are interested. As I have said it is all the more to be regretted because the hon. gentleman who is attacked is not here to reply, and there is no one present to speak with knowledge of the facts in regard to the accusation which has been thrown out against him. I certainly would have desired, (and I think if the hon gentleman will allow me to say so, it would have been more in keeping with the ordinary chivalrous conduct of the French race) if he had witheld the assertion which he has made, and had not chosen, in the absence of the gentleman, to attack him in so strong and so serious a way as to assert that he was shamming illness for the purpose of keeping out of the way of a disputed election contest. The other charges seem to me equally unfortunate, as they are directed against two gentlemen who are upon the bench and not represented in any way in this

House, and also against another gentleman who is supposed to have some intention of seeking for a seat upon the bench, and to whom the Government is supposed to have offered such a seat. To assail them in this way, and have their names brought into disrepute, simply on the strength of rumours quoted from newspapers, which are no authority, and which are actuated by the determination of blackening the characters of the individuals who are attacked, is equally to be regretted. We all know how the papers are alive with these rumors, and nobody knows whence they originate. They are often of the most slanderous character, and frequently are got up because the newspaper writers and owners are sadly in want of material to fill their columns. I ask is it proper, upon such grounds to make an attack upon any persons, in this the first deliberative assembly in the country? Are gentlemen who are occupying seats upon the bench to be maligned here on the strength of newspaper rumors made without authority? It seems to me a most lamentable thing, and I cannot but regret that any member of this House, particularly a member of the French race and speaking on its behalf, should have made such attacks upon gentlemen who are entitled at all events, to the benefit of a fair hearing, and who should not be maligned in their absence. There are no letters or correspondence of the kind mentioned in this address, between the Dominion Government and the Local Government of Quebec, or some members thereof, or any parties in that Province, since 1st January, 1881, concerning the appointment of His Honor Judge L. O. Loranger, the appointment of the hon. Mr. Mousseau to a judgeship, or the resignation of his honor Judge Matthieu.

HON. MR. BELLEROSE—I can have no objection when the Hon. Minister of Justice regrets that some of his colleagues have put me in the sad position I now occupy, but he ought to recollect that the man I have attacked is not an ordinary individual—that when I attack him he is here present, inasmuch as I attack him through one of my leaders, and as a member of the Government. Would it be right to say that because Sir John Macdonald sits in the other House, I should not have the power to attack his Government, because he cannot have the floor in this House? I attack Mr. Chapleau as Secretary of State, and as the Secretary of State he is here, and my attack is therefore made face to face. The Hon. Minister of Justice ought to be aware that I am sufficiently posted to know that. I am always ready to accept a good argument, and to submit cheerfully when I have been wrong: indeed, my custom when I am convinced that I am in error, is to do more than withdraw—it is to apologize. Before I do that, however, I must be convinced by sound arguments that I am wrong, and whether those arguments fall from the lips of the Minister of Justice or not, it is enough for me if they are logical. If, however, those arguments are only used for the purpose of escaping an unpleasant issue, the House cannot expect that I shall be convinced by them. As to Mr. Chapleau, and the arguments used by the Hon. Minister of Justice in regard to him, I cannnot accept them, because Mr. Chapleau, as the Secretary of State, is here, and it is here that I reproach the leader of the Government, because of the fact that one of the portfolios of the Government is held by a man of whom it was stated yesterday, by his own relations, and in the public street, that he was quite well and only waiting until the close of the session to cross to this side of the line. That statement has also been made by the newspapers which are friendly to him, for we read in his own organ, *La Minerve*, that "he was pretty well, and would be here in a few days." Now, as a public man, I challenge the Minister of Justice to deny that, and am I to be laughed at, because the Government wish to have such a colleague? I am responsible to the people as their representative, so that I am the equal of the Government, or of the leader of the Government. Sir John once said: "To-day I have to submit, but you will go home to-morrow, and then I will have it my way." That I think is the fair way; to-day Parliament is sitting, and it is my right to challenge members sitting on the Government benches. Therefore I ask of them whether it is right or wrong that a gentleman who, according to the newspapers which represent him, seems to be quite well, should hold a seat in the cabinet of this country, and yet be living

at present in Washington? And is it any more proper that he should be absent because he could not hold his seat here? The Minister of Justice understands that better than I do. It is a matter of public notoriety, for Mr. Mercier in his place in the Assembly of the Province of Quebec, stated some seven or eight weeks ago, that in retiring from the contest in Terrebone, Mr. Chapleau had been obliged to pay $3,800 to secure his seat. I do not rely upon newspaper paragraphs only, but I have the statement of the leader of the Opposition in the Province of Quebec, that such is the case.

HON. MR. PLUMB—Has any petition been presented against Mr. Chapleau?

HON. MR. BELLEROSE—If the hon. gentleman does not understand what I mean, it must be that I have expressed myself imperfectly; otherwise, I am sure the hon. gentleman is too honest to take ground against my position in this matter. The fact is Mr. Chapleau knows there is a law to punish bribery at elections, and there is a Committee on Privileges and Elections before which he would be summoned, and it is well known that the majority of that Committee, though Conservatives, would not allow an injustice to go unpunished or to be cloaked, even though the Liberal members of the Committee should be in the minority and unable to enforce their own views, and the man upon his trial should be supported with the authority of the Ministry. I believe the Conservatives of the other House are too honest to allow wrong to be called right, and, therefore, the report of that Committee would have been against him. I heard hon. gentlemen around the Minister of Justice cry "hear, hear," when he reproached me for attacking a gentleman who was absent: I would remind them that it is not my habit to speak of any man behind his back, and, as for Mr. Chapleau, I more than once opposed him both in the Local Legislature of Quebec and in the Committees of that House, and if he were here to-day he should find me as ready to meet him as I have always been in the past. I say that it is wrong that Mr. Chapleau should be drawing the people's money as a Minister of the Crown, and at the same time be wasting at Washington, or in travelling for his own pleasure, the time which really belongs to the people of this country, and I demand of the Government of the day that such a man should be turned out of the Cabinet. The Minister of Justice has known me for several years, and is aware that I am ready to support the Government in every right action; I am not, however, prepared to put my hand to any dirty work, and I challenge any man to say that I ever have done so during the 31 years which I have spent in public life. The Minister of Justice also objected to my speaking of two other gentlemen who are not here, but I would remind the House that they never will be here, and I would ask whether I am therefore never to be allowed to refer to them even though the public interest, in my opinion, requires that their connection with the affairs of the country should be commented upon? Every day the name of some one who is not here is mentioned, and often the absent man is attacked; in the present case, however, I do not attack these gentlemen, but only relate what every one knows of them from the public Press. It is publicly known that Mr. Mousseau has resigned—and why did he do so? Because his election was unfairly obtained; because among other things $150 were remitted by him to one Leger, upon whom fines to that amount had been imposed under the law of the Province. Now, it is not an unusual thing to hear of corruption and bribery during elections, but that bribery is generally the result of the use of the candidates own means; yet we have here the spectacle of Mr. Mousseau, the leader of the Government of the Province of Quebec, taking the money of the people of that province and remitting with it fines which were properly imposed by the laws of the country; and this for the purpose of aiding his own election in that province. Bribery at elections is surely objectionable always, but of the two ways of debauching the electorate, that adopted by Mr. Mousseau is the worse. It may well be cause for uneasiness to hon. gentlemen to hear that Mr. Justice Loranger, before he resigned his situation in Quebec, lent himself to such an act as that to which I have referred, an offence which has been admitted by the sitting member, who said during his examination "it is true, Loranger has sent me such a letter, and I have it in my possession." It is enough to make

the Government uneasy to reflect that a man who had signalized his retirement from public life by the commission of such an act, should now occupy a position upon the bench of this country. I say that the Government should take care and not place other unworthy men upon our bench. It is true that Mr. Mousseau has his friends behind him, because there is such a clique; there are two rings, the Ottawa ring and the Quebec ring, of which I shall speak by-and-bye, for I am determined that the whole system shall be exposed to the public. It is high time that it should be done, and having begun the work I shall, if possible, carry it through. I was not the first to join issue with Mr. Chapleau, but while I was hundreds of miles away from New York the speech of the Secretary of State was delivered there calling me to battle.

As to the two justices, they will never be here to answer for themselves, and I have a right to say that the appointment of Judge Loranger was a bad one, because the law says that no man guilty of the act of which he stands charged can sit in this House or can receive an appointment from the Crown, and because that law has been ignored and he has been appointed. I do not reproach the Government: I only say that such appointments offer inducements to the people to criticize what is being done, and if Mr. Mousseau were appointed, after the evidence which has been given against him, and in view of the scandal Mr. Loranger's appointment had caused, it would be most unfortunate for the cause of morality in this country. In Mr. Loranger's case the Government was not aware of his offence at the time of his appointment, for it has only been known quite recently; but in Mr. Mousseau's case the facts are already before the public. It is high time that these matters were definitely brought before the House. Week after week intrigues have been going on in which members of the Government of the day are concerned; I challenge them to deny it, and I shall be ready at the proper time to show it. I now refer to the fact from my place in this House with the view of trying to stop these intrigues and of convincing our public men that they have responsibilities of which they should be careful. When I go to the Minister of Justice on any question his decision is not affected by any influence I may possess—any support I may be able to command, but the actual merits of my cause will gain for me a favorable answer or otherwise, and so it should be in the awarding of responsible positions in the gift of the Government. The consideration of political pressure in the appointments to our judiciary tends towards the destruction of public morality in this country, and therefore I have given to the House the information of which I am possessed, in order that no misapprehension shall exist in regard to this matter. If I am wrong in the statements I have made, and such can be proved, I shall willingly admit my error, but if on the contrary my statements are correct—as I believe them to be—then it is my duty honestly and conscientiously to point out and make known what is going on in the Province of Quebec, in the direction which I have indicated.

HON. MR. O'DONOHOE—With the merits of this question I have very little to do, but I think, as a new member of the Senate, that our rules must be very lax if any member is permitted to occupy the time of this House for hours and hours together in discussing mere rumors. The basis of what we have heard to-day is rumor. I presume that most of us have been long enough in public life, and know that rumor cares very little for the truth of her remarks upon public men. If my hon. friend who has taken his seat is allowed to descant, upon the mere ground of rumor, to the extent that he has done, and if we were all to follow suit, what time would be sufficient to end such a monstrous state of things? My hon. friend says, in reply to the Hon. Minister of Justice, that although he is speaking of a man who is absent, that man is really present, because he is a member of the Government, of which a representative is here. Now is that a fact—is the absent man sick, or is he well? If he is sick and unable to be present in his place in the Government, then there is no opportunity for the Minister representing the Government here, or for the Government itself to reply to the insinuations and observations made about him. So long as he is sick, and by reason of that sickness unable to be in his place in the Government he cannot by any means be represented in

Parliament. The theory of my hon. friend would be all right if the absent member was away from mere fancy or pleasure, and although it is rumored that to-day the hon. member who is absent is rather better, the hon. gentleman who has just spoken has not averred upon any authority that he is in a condition to be in his place in Parliament, and it is cruelty to speak in such a manner of a man who is ill, and over whom it is said the hand of death has been hanging for some time past. I cannot say whether the rumor is true or not, but friends of his and the newspapers have been circulating it, and if it is true how can he be represented here, or furnish information to the Government concerning charges brought against him? If my hon. friend were to attempt in a Court of Justice to sustain a case on such evidence as he has advanced here to-day what would be thought of it? He would be called to his seat; it would be considered no evidence—not worth a straw. But I come down to the one point, because the hon. gentleman states that if the minister meets him with a reason that is good he will submit; let the minister say to him that the Hon. Mr. Chapleau is absent by reason of illness, that neither the Government nor any of its members can communicate with him to meet the charges advanced against him. Therefore I say that a sense of justice and fair play should lead the hon. gentleman to refrain from making such charges in the absence of the gentleman who is accused. As to the charges brought against the Government I have nothing to do with them. They are able to take care of themselves. If they are guilty, no one would be more happy to see them answer for their guilt than I shall be, but with regard to a man who is absent, because of his illness I believe the same laws which exist every where else should prevail here—not to attack a man behind his back, and when he is unable to defend himself.

HON. MR. PLUMB—I took the liberty of asking the hon. gentleman to answer the question, while he was in the middle of his speech, whether there was any petition presented against the election of the gentleman he charged with having been corruptly elected. I did not do that for the purpose of defending that gentleman, but only for information. The hon. gentleman declined to reply. Now the reason why I asked that question is this: it struck me that if there was a case of corruption in the Province of Quebec it was scarcely possible that my hon. friend from Delanaudiere was the only righteous man in that Province. If the hon. gentleman will look at the statute, he will find that there is no limitation of the action which may be brought for a corrupt election. If he supposes that the expiration of 30 days in the filing of the petition after the election, or after the time the return is made in the *Gazette* ends the right of action, or if he supposes that the action of any person prevents a procedure against him, he has not read the Statute. A law exists by which a petition, I think, of 25 electors presented to the House of Commons must be taken into consideration, and the House of Commons can, even after the time which is provided by law for the filing of a petition, order an investigation. It seems to me very remarkable that if such facts are patent, as the hon. gentleman unhesitatingly states on the floor of this House—not stated for the first time to-day, but for the second or third time since I have been a member of this body—if such facts are patent it shows a very strange state of things that he cannot get 25 people to back him up in presenting a petition and investigating the charges in the regular way. I concur very cordially with the remarks that have been made by my hon. friend from Toronto, excepting this—I do not think we have anything to do with the state of health of any gentleman. That is a matter for the doctors to look after. I say if any corrupt act has been perpetrated it is the duty of that gentleman who comes before us to make these charges to see to it that the proper legal methods are put in force to vindicate the purity of elections. This is not the place in which to do it. These are mere *brutum fulmen*; they simply enable the hon. gentleman to discharge a little of his eloquence. I have never before been accustomed to listen to propositions which are to the effect that every man should be considered guilty until he is proved to be innocent. My sense of justice leads me to think the other way.

HON. MR. BELLEROSE—Did the hon. member understand me to say

that the gentleman had been found guilty of the charge? Did I not tell him that evidence had been taken and that after two or three witnesses had been examined the case was dropped through Mr. Mousseau's resignation?

HON. MR. PLUMB—I am speaking of another thing altogether.

HON. MR. BELLEROSE—Then the hon. gentleman refers to Mr. Chapleau; I think I told him that the same thing occurred in that case. It had been proved by the gentleman who made the bargain, Mr. Mercier, at Quebec, that Mr. Chapleau had given Mr. Mercier, himself, $3,800 so that he might secure the seat for Terrebonne after nomination day, when no other candidates could run against him, and I said that had been stated publicly in the Local Assembly of Quebec, and it was that fact that I brought forward.

HON. MR. PLUMB—I wish to call the hon. gentleman's attention to the fact that these matters which he has brought up would be better discussed before a legal tribunal. If any such charge is made against any gentleman holding a seat in the House of Commons he has no way of evading that charge by being out of the country. There is an Act which I have referred to—an amendment to the Act of 1874—whereby no lapse of time can prevent an investigation during the life of the Parliament, and I say it is a very extraordinary state of things that the hon. gentleman who has been addressing this House cannot find 20 or 25 people to back him in a petition to bring this before the proper tribunal. This Senate is not the proper place for such an investigation. I say also that in regard to the other matter, Mr. Mousseau was on his trial and resigned his seat. If the law protected him in that resignation, and if the electors choose to elect him again that is not an affair of the Senate; it is a part of the election law. He stood within his rights and we have not to question them; but if the hon. gentleman wants to bring in an amendment to the election law he has a perfect right to do so. As long as the law stands as it is it cannot be made a matter of complaint. Until the hon. gentleman can get a certain number of people who are interested in this matter to go with him to get a proper legal inquiry into the subject, I do not think this House is the proper place in which to fulminate his charges. I do not think it is in accordance with the chivalrous spirit which usually characterizes the conduct of the hon. member from Delanaudière. I do not think it is consistent with the profession of independence which the hon. gentleman has made. He can rise here without any responsibility to the people and make these charges. I repeat if the hon. gentleman will look at the Statute which I have in my hands—of 1876—

HON. MR. BELLEROSE—I have seen it.

HON. MR. PLUMB—The hon. gentleman knows that under that statute in matters of such public notoriety, as he says this is, he can take proceedings, and I say he is derelict in his duty in not proceeding in a proper and legal manner. The course he has taken here to-day is simply futile and useless and is unnecessarily taking up the time of the House. Until he is prepared to make his charges in a legal and proper way, I think the statements he makes in this House will not bear the effect which he intends upon its members or outside of the House where his utterances are supposed to be reported.

HON. SIR ALEX. CAMPBELL—There are no papers.

The motion was withdrawn.

RULES OF THE SENATE.

MOTION WITHDRAWN.

HON. MR. BELLEROSE moved concurrence in the report of the Committee on Standing Orders and Private Bills, proposing the amendment of the forty-ninth and fiftieth Rules, and that members be summoned.

HON. SIR ALEX. CAMPBELL—I think it would be better that we should not concur in this report, but that it should stand over until next session, for two reasons. One is that I do not think we shall accomplish anything by changing our rules unless similar rules in the Lower House are changed in a corresponding way.

The object is one in which I concur, and of which I daresay all the members of the House will approve. It is to limit the time for the presentation of petitions for private Bills, and to get rid of the abuse which has crept in from session to session, constantly increasing, of changing our time, so that in reality instead of the time being limited to ten days after the opening of the session, it is extended as occasion calls for it. The object of the report is to get rid of that, but unless the other House concurs the effect will be to direct all the private business to the Commons, which would not be desirable in the public interest, inasmuch as the better plan—the one which economises our time most—is that private legislation should be distributed between the two Houses. All our rules should, as far as possible, have a tendency in that direction. In fact it would expedite public business if we could so arrange that most of the private bills should originate in the Senate. The proposed change would have the contrary effect. The other reason is that the sixty days to which it is proposed to limit the time would not be more binding than the thirty days rule we have now. It would still be in the power of the House to dispense with the rule, and extend the time. The suggestion made by the hon. gentleman from Montarville, which I really think would accomplish what the Committee have in view, and which I consider an admirable one, is that we should have a scale of fees, so that if petitions for private bills were presented during the first 20 days, the charge should be say $100; if presented after the first 20, and within the first 40 days, it should be $150; and if presented after the first 40 days, it should be $200. Such a rule could be adhered to, and would make it the interest of parties promoting private legislation to introduce their Bills as early in the Session as possible. The change proposed by the Committee would probably have a result the reverse of that which the hon. gentleman expects and would rather tend to make everybody lax, and believe that bills could be introduced at any time within the 60 days, and there would be no incentive to promptitude. The suggestion made by the hon. member from Montarville would accomplish the end we have in view; I do not think that this amendment would. I suggest whether it would not be better to pass this over for the purpose of considering it at the beginning of next session. I am in hopes that then we could get the Committee on Private Bills in the other House to concur with us in some project of this kind, because they complain, as we do, of the constant delay, and would like to adopt some measure to limit the time, and secure an early presentation of these measures to Parliament.

I think that would be a more just way of dealing with the subject if my hon. friend who has charge of the report feels that he can take that course.

HON. MR. BELLEROSE—If the House has no objection I will withdraw the report.

HON. MR. MILLER—I do not intend to interfere between the Chairman of the Committee and the Minister of Justice, but I certainly do not agree with the observations which have fallen from the leader of the Senate with regard to the proposed alteration of our rules. It is strange that although the subject of extending the time for receiving petitions for private Bills has been frequently brought to the notice of this House and condemned, there has never been any expression of opinion, within my recollection, against altering the rules in the direction now contemplated. Several sessions ago I called the attention of the Senate to the advisability of changing these rules. There was no argument then urged on the other side. This session in a more pointed way, after one or two motions had been made by my hon. friend to suspend the rule with regard to the presentation of petitions and the introduction of private bills, I asked whether it was his intention as chairman, to take the subject into consideration and recommend some alteration in the rule that would alleviate the necessity of these frequent motions for extending the time. When I did that the Chairman of the Committee stated to the House that it was his intention to submit an amendment to the rule in the direction which I indicated, and there was then no opposition offered to such a course in this House. When the matter was brought before the Private Bills Committee there was some discussion upon it, and I think the hon. gentleman from Charlottetown was the only one

who offered any opposition to the proposed amendments to the rule. There was no division however on the subject. The matter had been before the Committee for a number of weeks, and still no hostility, except the opposition of one member, was shown. It is very strange now that after, as we supposed, in deference to the wishes of the House—after having been permitted, and, I may say, instructed by the House to prepare an amendment to the rule, and after having brought in a report which we consider carries out the wishes of the House, the Committee is placed in the awkward position of having to take back the report. I do not conceive that there is any force in the argument used by the Minister of Justice with regard to the action of the House of Commons, and its effect upon the legislation so far as this House is concerned. In the first place, whether it has or not, I believe it is impossible to get anything like uniformity of action with that House on the subject. I was not present at all the meetings of the Committee this year, but I have reason to believe that at one of its meetings a Sub-Committee was selected for the purpose of conferring with members of the Standing Orders Committee of the other House. After losing some time in endeavoring to bring about a mutual understanding and perhaps an alteration of the rules, with a view to uniformity, the subject had to be abandoned and I think the Prime Minister said when the matter was mentioned in the other House, that there was a decided objection to anything like a Standing Committee arranging this subject.

HON. MR. BELLEROSE—I was told so.

HON. SIR ALEX. CAMPBELL—There was no objection to a Committee trying to arrange it, but the objection was to a Joint Committee.

HON. MR. MILLER—I understood that it went further. For my own part I certainly concur in the opinion that it would be almost impossible for us to get a Joint Committee of both Houses to decide upon the presentation of petitions and to take joint action. I think it would be just as necessary for us to have a separate jurisdiction with regard to initiating questions relative to legislation as with regard to the main business of legislation itself.

I do not think we should have any such Joint Committee as that, and I do not know whether that was the suggestion of the gentlemen appointed to meet the members of the House of Commons. I do not think that there is any force in the argument that because the House of Commons may not make these rules the same as ours, we should not bring ours more in conformity with common sense. The rule now is practically no rule at all. If we cannot amend it in a direction that will enable us to enforce it with something like stringency, we had better erase it altogether from our standing orders. It is much better that there should be no rule at all than one which is invariably suspended at the simple request of the chairman of the Committee on Standing Orders. If, therefore, the rule as it stands at present does not in any way attain the object for which it is intended, but is treated as a nullity, it is certainly worth while trying if a rule more conformable to the necessities of legislation could not be devised, especially when we know that it would be afterwards the determination of the Committee on Standing Orders, and I presume of the House, to see that it was not as a mere matter of course suspended when asked for by the Committee on Standing Orders.

It is well to make the proposed experiment. It will give reasonable time for the presentation of petitions, but less time than we give now, because under the rules as they stand most of our bills are introduced after the 14 days, and most of them come up on reports from the Private Bills Committee after the 60 days : so that virtually the rule which is intended to secure an early introduction of business into this branch of Parliament goes far beyond what the requirements of the present rule would be. Every session of Parliament for the last 16 years the same thing has occurred.

Now it is worth while trying whether or not a change of the rule may not have a better effect. The legislation of both branches of Parliament is separate and independent. The legislation of the Senate has nothing to do with the legislation of the Commons, and the rules

under which we conduct our legislation here need not of necessity be the same as those of the Lower House—and we know in point of fact they are not the same. Why there should be any necessity, therefore, to have uniformity in these particular rules, is what I have never had satisfactorily explained to me.

The most of this private bill legislation, it is said will be driven to the other House if we make this change. Most of it goes there already, for the reason that generally these measures affecting private interests are placed in the hands of the direct representatives of the people, who introduce them in the House of Commons and who are desirous of getting them first through there; because they know that the danger of having them sacrificed does not exist here at any period of the Session, whereas it frequently happens that bills are lost when they go down from the Senate to the other Chamber at the latter part of the Session. These are reasons which will always control the initiation of legislation of this kind; if the rule will do nothing else it will save the necessity of these formal extensions of the time, and there would not be any necessity for suspending that rule more than once at the very outside, because if it became necessary to suspend it in any case, it would be under exceptional circumstances. The rule would be so reasonable that we could enforce it. The existing rule is in itself an absurd one, and is never acted upon, and for that reason, if for no other, it should not be allowed to remain on our Standing Orders. It would be better to abolish it altogether than to allow it to remain in its present shape, and to say that in this branch of Parliament private legislation can be introduced at any period of the Session.

A suggestion was thrown out the other day, by the hon. member from Montarville which, I agree with the Minister of Justice, was a very wise and practical one—that we should frame a scale of fees that would regulate the introduction of private legislation in this House. If, for instance, the fee were limited to what it is now, up to a certain period, and after that it were increased to four or five hundred dollars, it would have a very wholesome effect. We have not this year had much reason to complain of pressure of business at the end of the session.

HON. SIR ALEX. CAMPBELL—I took occasion to ask some members of the Government who have seats in the other House, what they thought of that suggestion. They thought well of it, and it is very likely that we might get it adopted in both Houses.

HON. MR. MILLER—I do not wish to detain the House any longer on this point, but I do think the objection to the rule comes very late. The amendment would be an improvement to the existing one, and although I do not intend to interfere with the discretion of the Chairman, who has so well on all occasions discharged his duties on the Committee, I could not allow the report to be withdrawn without expressing my opinion with regard to it.

The motion was withdrawn.

QUEBEC HARBOR COMMISSIONERS' BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (130), "An Act to Amend the Act 36 Victoria, Chapter 62, and the Act 43 Victoria, Chapter 17, respecting the Quebec Harbor Commissioners."

He said: This is a Bill to reduce the rate of interest payable by the Harbor Commissioners on the sums they owe to the Dominion, from 5 to 4 per cent.

The motion was agreed to, and the Bill was read the second time.

QUEBEC GRAVING DOCK BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (129), "An Act to amend the Act thirty-eighth Victoria, chapter fifty-six, intituled 'An Act respecting the Graving Dock in the Harbor of Quebec, and authorizing the raising of a loan in respect thereof."

He said: This is a Bill to enable the Governor-in-Council to lend a further sum of $100,000, to complete the graving dock,

and to enact that all the rules, laws and regulations relating to the former loan, shall apply to the new one, and that the rate of interest shall be 4 per cent per annum.

The motion was agreed to, and the Bill was read the second time.

CREEDS AND NATIONALITIES OF GOVERNMENT EMPLOYES

INQUIRY.

HON. MR. TRUDEL inquired when the return giving the creeds and nationalities of all persons employed in the Government service would be brought down.

HON. SIR ALEX. CAMPBELL—It was sent to be printed at an early period of the Session, but the office of the printer has since been burnt down, and there is a delay in consequence. My hon. friend from Delanaudière spoke to me on the subject, and I caused a telegram to be sent to the printing house, to ask when we should have it here, and I regret to say it will not be completed for some weeks yet. They say that 220 pages are already finished, and the rest will be completed by the first of July. I am very sorry that there should be such delay, but it has been caused by the accidental circumstance to which I have referred.

HON. MR. TRUDEL—We have been waiting for that return for three years, and I think there have been times when the reasons for the delay were not so good.

HON. SIR ALEX. CAMPBELL—I think my hon. friend's patience is admirable. I have done all I could to expedite the preparation of the return.

The Senate adjourned at 5.35 p.m.

THE SENATE.

Ottawa, Tuesday, May 22, 1883.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

BILLS INTRODUCED.

The following Bills from the Commons were introduced and read the first time:—

Bill (127), "An Act further to amend the Consolidated Railway Act, 1879, and to declare certain lines of railway to be works for the general advantage of Canada." (Sir Alex. Campbell.)

Bill (131), "An Act to encourage the manufacture of pig iron in Canada, from Canadian ore." (Sir Alex. Campbell.)

Bill (119), "An Act further to amend the tariff of duties of Customs." (Sir Alex. Campbell.)

SALARIES OF CERTAIN JUDGES BILL.

FIRST, SECOND AND THIRD READINGS.

Bill (134), "An Act to provide for the salaries and superannuation and travelling allowances of certain Judges of certain Provincial Courts," was introduced and read the first time.

HON. SIR ALEX. CAMPBELL moved the suspension of the 41st rule and that the Bill be read the second time presently.

He said: This Bill is to provide for the salary of an additional judge in the Court of Appeal in the Province of Ontario, the necessary legislation for which has been enacted, and to provide that the Act concerning pensions shall be extended to Prince Edward Island and to the judges of the Court of Appeal who were left out by mistake; and also to provide for a new County Court Judge in Manitoba. Then with reference to the Province of Quebec, the salaries paid to the judges there are re-stated because it is desired there to have an additional judge in Montreal, and the number of judges elsewhere in the Province is diminished to provide for this. The Judge going to Montreal is required to have a salary of $1,500 in excess of what he had before; hence the re-statement of salaries.

The motion was agreed to, and the Bill was read the second time, at length, at the table.

On the 7th clause,

HON. MR. POWER enquired why no travelling or circuit allowances would be allowed to Judges of the Court of Appeal for Ontario, after the first of July, 1884?

HON. SIR ALEX. CAMPBELL—Because they will cease to travel. They are required in Toronto all the time, and will not have to leave the city to go on circuit.

HON. MR. SCOTT—From one cause or another (I suppose Judges are like other people) it was found to be an advantage to be on circuit, more particularly if there was a liberal allowance for each county, and it became the practice for Judges of the Court of Appeal to go on circuit. This clause very effectually puts an end to the practice. Of course it is very much better that the Judges of the Court of Appeal should not go on circuit.

HON. MR. POWER—I have only to express my regret that the Minister of Justice has not found it practicable to increase the salary of the Judge of the County Court, who sits at Toronto, and the County Court Judge for the County of Halifax. It is universally recognized that both of them are underpaid. I regret that the Minister of Justice has not been able to see his way clear to provide some such addition to their salaries this year as would put them in the same position as the other Judges.

The Bill was then read the third time and passed.

FIRST AND SECOND READINGS.

Bill (133) "An Act to continue for a limited time the Acts therein mentioned." (Sir Alex. Campbell).

THIRD READINGS.

Bill (142) "An Act to make further provision for deepening the ship channel of the River St. Lawrence between Montreal and Quebec."

Bill (130) "An Act to amend the Act thirty-sixth Victoria, chapter sixty-two, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbor Commissioners."

Bill (129) "An Act to amend the Act thirty-eighth Victoria, chapter fifty-six, intituled "An Act respecting the Graving Dock in the Harbor of Quebec, and authorizing the raising of a loan in respect thereof."'

JOINT COMMITTEE ON PRINTING.

EIGHTH REPORT.

HON. MR. SIMPSON moved the adoption of the 8th report of the Joint Committee on the Printing of Parliament.

He said: This is one of our usual reports, and the last of this Session. We make a recommendation, at the latter part of it, increasing the salary of our Chief Distributor by one hundred dollars a year. The Committee thought he was entitled to it, and granted it unanimously. He has now, in addition to his former work, the distribution of the Debates of both Houses, and, unlike other officers in these buildings, he cannot leave his office during the holiday season.

HON. MR. PAQUET called the attention of the House to the fact that the return he had moved for, respecting the analysis of drugs was not in the list or reports ordered to be printed.

HON. MR. SIMPSON explained that it was an error, and would be attended to.

The motion was agreed to

PRINCE EDWARD ISLAND RAILWAY.

INQUIRY.

HON. MR. HAYTHORNE—Perhaps the leader of the Government will pardon me for asking a question without notice: It is whether the Government have turned their attention to the short line of railway which is necessary to be constructed to connect the trunk line of Prince Edward Island with Cape Traverse?

HON. SIR ALEX. CAMPBELL—I understand, from a conversation between the Minister of Railways and myself, that he is going to build that piece of railway this summer.

DUTIES ON HAY.

INQUIRY.

HON. MR. MCCLELAN inquired whether any correspondence had taken place between this Government, and the Government at Washington, respecting refund of duties paid by exporters of hay from Nova Scotia to the United States. The duties collected had been 20 per cent., ad valorem, and the courts had decided that 10 per cent. was all they were entitled to; consequently the exporters were entitled to a refund of 10 per cent.

HON. SIR ALEX. CAMPBELL—I do not think there has been any corespondence with Washington so far as the Government is concerned; I think those who are suffering from the over-charge are endeavoring by private means to obtain a refund. However I shall be able to give the hon. gentleman more information tomorrow.

ACCIDENTS ON THE PRINCE EDWARD ISLAND RAILWAY.

INQUIRY.

HON. MR. HAYTHORNE called the atention of the Minister of Justice to the fact that there was no item in the Supplementary Estimates laid on the table to indemnify those persons who had been injured by the accident on the Prince Edward Island Railway.

HON. SIR ALEX. CAMPBELL—The item appears in the Estimates in another form. The Railway Act explains how certain money shall be expended in payment of damages for accidents, and the item for this is in the general vote and it can be appropriated to satisfy that claim. An additional sum has been taken for that purpose.

BOOMS IN NAVIGABLE WATERS BILL.

HON. SIR ALEX. CAMPBELL introduced Bill (Y), "An Act to amend an Act of the present session respecting booms and other works constructed in navigable waters whether under the authority of Provincal Acts or otherwise."

He said: The booms Act passed in this House has been subject to changes in the Commons which have the effect of destroying the clause legalizing all booms constructed under the authority of Acts of Parliament of any of the Provinces before Confederation. Our Bill, as it left this House, contained a provision that those booms constructed before Confederation should come under the supervision of the Minister of Public Works, and if he saw fit they should be sanctioned. The clause was stricken out altogether so that now those booms constructed in the different provinces before Confederation are rendered illegal, and this we did not want to do. This Bill proposes to amend that clause, and in amending it I took occasion to improve the language so as to remove some doubt and difficulty in the previous Bill about dykes.

HON. MR. MILLER—What about rule 46?

HON. SIR ALEX. CAMPBELL—This is a new Bill.

HON. MR. MILLER—Yes, but the first Bill, which this is amending, originated in this House, and the 46th rule says: "When a Bill originating in the Senate has passed through its final stage therein, no new Bill for the same object can afterwards be originated in the Senate during the same session."

This Bill was introduced here, and therefore comes under that rule. I may say I think it is a rule that ought not, in fact, to be among our Standing Orders, and it was one of those which I intended to move should be omitted, if a revision of our rules was taken up, because it is imposing a restriction upon this House which is contrary to law. The law enables Parliament to pass a Bill during the same session on the same subject, and amending a Bill passed during the same session. I do not understand why we should have the contradistinction which this rule makes, preventing the Act originating here beng amended by a Bill also originating here. I suppose the difficulty might be overcome in this instance by suspending that rule.

HON. SIR ALEX. CAMPBELL—Or by letting the Bill originate in the other House.

HON. MR. POWER—With all deference to the well-known acuteness of mind of the hon. gentleman from Richmond, I do not think his point is well taken. As to the 46th rule, the object of it presumably is that if a bill for any particular object is introduced here, and defeated in the other House, the same object cannot be gained by introducing another bill here for that purpose. I wish to call the Minister's attention to the fact that the object of this Bill is not the same as that contemplated by the original Bill. The object of this measure is to amend a bill which we passed a little while ago, and the statute expressly says that any bill passed in one session may be amended by another Act passed in the same session. The objects of these two Bills are quite distinct.

HON. MR. MILLER—The Statute says that a bill passed in the one session, may be amended during the same session; while that is true, the difficulty we have to meet now is in regard to one of the Standing Orders of this House, which says that no bill originating in the Senate, after it has passed and is finally closed, can be amended by a bill originating in this House.

HON. MR. POWER—Does it say that?

HON. MR. MILLER—It does, and nothing else. The object of the Bill is the subject of the Bill; it is a Bill relating to booms, aboiteaus and other works in navigable waters, and I presume the Bill has much the same title as the other Act, as it is for the same purpose and objects. The hon. gentleman on this occasion has not even the merit of splitting straws, at which he is so clever at times as to amuse the House, when we are not very busily engaged. I presume the wish of the House is to allow the Bill to pass through, and for that reason perhaps there will be no objection to suspending the 46th rule, but without such suspension I do not think it is possible to introduce the Bill here.

HON. SIR ALEX. CAMPBELL—I suppose the safer way would be to move the suspension of the rule, or to send the Bill to the other House. (A voice—suspend the rule.) Then I will move that the 46th rule of this House be suspended, and that this Bill be now introduced and read the first time.

The motion was agreed to and the Bill was read the first time.

HON. SIR ALEX. CAMPBELL then moved that the Bill be read the second time under a suspension of the 41st rule.

HON. MR. McCLELAN—I desire to express my thanks for the amendment which is proposed to be made to the present Bill. It is slightly in accordance with the expressions I used when the Bill was first introduced in the Senate, and I think the passing of this short Bill is certainly a very great improvement. I am not prepared to say that the legislation on this subject is at all perfect, but I am satisfied that this will be a very great improvement indeed, and will save, possibly, a great deal of confusion and litigation in some sections of the lower Provinces.

HON. MR. DEVER—I cannot agree with the hon. gentleman. I think this Bill still leaves those structures in the same position as before, if they are interfering with navigation.

The motion was agreed to, and the Bill was read the second time.

HON. SIR ALEX. CAMPBELL then moved that the Bill be read the third time, under a suspension of the same rule.

The motion was agreed to, and the Bill was read the third time and passed.

RAILWAY SUBSIDIES BILL.

FIRST, SECOND AND THIRD READINGS

HON. SIR ALEX. CAMPBELL introduced Bill (137) "An Act for authorizing subsidies for the construction of lines of railway therein mentioned."

The Bill was read the first time.

HON. SIR ALEX. CAMPBELL then moved that the 41st rule be suspended, and the Bill be read the second time.

HON. MR. ROBITAILLE—I am happy to see that the present Administration is encouraging the developement of the resources of the country by subsidizing important lines in connection with main trunks of railways.

In one section of the country, the valuable minerals will contribute to the wealth of our population, and in others, the products of the forest will create new industries and furnish employment to a large number of people who might otherwise seek occupation and the comforts of life in a foreign country. In the District of Gaspé, that immense territory which will be so much benefited by the opening of a railway, the resources are numerous and important.

The fisheries of that coast are of world-wide celebrity, and their annual value is rated at two and a-half millions of dollars.

The product of sea fishing will largely increase when the Baie des Chaleurs Railway is completed, as a great quantity of fish which is of no local value at present, will be shipped in the fresh state at all times of the year to our Canadian markets.

Thus, our own, will replace the American fish, which is at present imported to the value of one million dollars yearly.

The farm products will not be the least item in the traffic of the road. The soil is fertile and the population industrious.

A glance at the census of 1881, as compared with that of 1871, will convince this House of the rapid progress of that District during the last ten years.

EXTRACT FROM CENSUS, 1881.

BONAVENTURE AND GASPE COUNTIES, (forming the District of Gaspe.)

Population	43,909 souls
Occupants	6,621 "
Proprietors	6,213 "
Acres of land owned	698,033
" occupied	479,742
" improved	108,075
" under crop	79,980
" in pasture	26,845
" gardens and orchards	656
Factories, stores and shops	4,140
Sea-going sailing vessels owned	94
Tonnage of do	5,000

Animals and Animal Products.

Horses	4,592
Colts (fillies)	948
Working oxen	3,254
Milch cows	10,049
Other horned cattle	8,900
Sheep	34,498
Swine	16,876
Cattle killed or sold	3,177
Sheep do	9,073
Swine do	12,123
Pounds of Wool	85,576
do Butter	535,268
do Cheese	3,133
do Flax and Hemp	14,549
Yards home-made Cloth and Flannel	185,958
do do Linen	26,565
Pounds of Maple Sugar	125,783
do Tobacco	8,251
do Hops	2,888
Value of Furs	$12,412

Field Products.

	Bushels.
5,682 acres Wheat (69 lbs. per bush.)	63,886
Barley	78,884
Oats (43 lbs. per bushel)	281,121
Rye	12,138
Peas & Beans	8,699
Buckwheat	65,998
Corn	428
Turnips	216,051
Other Roots	45,146
Grass and Clover Seed	604
Flax Seed	761
7,367 acres, bushels Potatoes	1,127,023
26,924 acres, tons of Hay	34,060
Bushels Apples	573

Fisheries.

Number of vessels employed	22
do men do	238
do boats do	4,950
do men do	9,548
Fathoms of nets	205,168
Quintals of Cod	295,765
Haddock, hake	7,688
Barrels of Herring	108,691
do Mackerel	9,696
do Sardines	208
do Halibut	342
do Salmon	1,131
do Eel	165
do Trout	280
do Other Fish	28,050
Gallons Fish Oil	125,120
Pounds of Canned Lobster	517,734
Value of Fish	$ 765,000
Total value of Fish, 1881, in Gulf	$2,410,937

EXTRACT OF TRADE AND NAVIGATION RETURNS, 1882.

STATEMENT of vessels entered *inward* for sea during the season ending 30th June, 1882, at Perce, Gaspe and New Carlisle in the District of Gaspe.

	No. of Vessels.	Tons Register.	Tons Weight.
With cargo,	41	5,988	4,425
In ballast,	39	8,178	
Totals	80	14,166	4,425

Vessels entered *outward* for sea.

	No. of Vessels.	Tons Register.	Tons Weight.
With cargo,	105	20,135	7,265
In ballast,	1	1,260	
Totals	106	21,395	7,265

STATEMENT of vessels employed in the Coasting trade, etc., etc.

	Under Transire.		*Coasting License.*	
	No.	Tonnage.	No.	Tonnage.
STEAMERS.				
Arrived,	88	37,104	124	44,217
Departed,	73	29,093	132	47,770
Totals	161	66,197	256	91,987
SAILING VESSELS.				
Arrived,	120	6,487	204	11,359
Departed,	119	5,068	196	9,557
Totals	239	11,555	400	20,916

COMPARATIVE STATEMENT of imports and exports at New Carlisle, Perce and Gaspe.

1880.	1881.	1882.
	EXPORTS.	
$858,754	$773,534	$781,759
	IMPORTS.	
$146,728	$108,906	$123,345
	DUTY.	
$24,346	$18,857	$16,127

The Baie des Chaleurs Railway in connecting at Metapedia with the Intercolonial, will afford daily communication with commercial centres to a population of over 47,000 inhabitants.

The whole District of Gaspe, comprising five and a-half millions acres of land, has no other outlet but this road, during six months of the year.

The greater development of agriculture and of our fisheries, and the building up of new industries from the products of our forests, as well as from other sources, will attract a large population from outside, and the Peninsula of Gaspe, whose resources are capable of maintaining a population of half a million inhabitants, will become one of the most important sections of our country, and will largely contribute to the public revenue.

Another important feature of the Baie des Chaleurs region is its healthy climate, its attractive sea-bathing sites, its beautiful rivers, so well stocked with the finest fish, which will draw to our shores, a host of tourists and sportsmen.

Among those rivers I may mention the Metapedia, Nouvelle, Cascapedia and Bonaventure, which are unrivalled for the beauty of their scenery and their attractions to sportsmen.

The Baie des Chaleurs Railroad will be a most important feeder to the Intercolonial.

A large traffic is at present carried on with the important Canadian manufacturing centres, in Western Canada, as well as in the Lower Provinces and the interprovincial trade will greatly increase with the facilities of communication.

The Government after securing to this country the great benefits of the Intercolonial, the Canadian Pacific and other important lines, is doing an act of justice in encouraging railroads into the remote parts of our Dominion which were not heretofore benefited by the construction of the large lines to which I have referred.

The Administration could not more judiciously appiy the large surpluses accrued from the beneficent working of the National Policy. And I trust in the patriotism of the hon. gentlemen of this House to give their hearty support to the measure which is now submitted for our consideration.

HON. MR. READ—We have rarely heard a more flattering statement than this with reference to the Peninsula of Gaspe. It was only a short time since we heard that Gaspe was made a free port, and now we find that its population has increased to about 50,000 souls. By the policy which the central Government have inaugurated, instead of being shut up for six months of the year, this large population will be enabled to communicate with the rest of the world at all seasons. There is no doubt that this railway policy of the Government is acceptable to the people of Canada. This is an age of railways, and those who live where there are none are simply out of the world. No one thinks now-a-days of settling in a country where there is no railway communication, because there are plenty of places where they can find homes in the vicinity of railways.

I was very much struck with the statement of the hon. gentleman that there are between nine and ten thousand hardy seamen in Gaspe.

HON. MR. ROBITAILLE—According to the figures of the last census, 9,548.

HON. MR. READ—It is a most pleasing thing to know that we have so many of these hardy men, who take their lives in their hands almost every time they go to sea. They, above all the people in this country, should be considered, and should be given an opportunity of communicating with the outside world during

the winter months, and turning that season of the year to the best account. I look upon the maritime element in this country as one of the greatest importance, and a great source of our strength and prosperity.

That element should be considered above everything, as in case of difficulty we know where to find our mariners. Without them we can never be a nation. We have our vast prairies, which no doubt will be a great source of wealth to the country, but they will not furnish our seamen. It is to the coasts, among the fishermen, we must go for mariners. They commence their training as boys, and the saying is "go in at a hawser hole." I think everything should be done in this country to encourage maritime enterprises. Every facility in the way of light houses and harbors of refuge should be provided, because the lives of mariners are subject to danger at all times. I think this measure is one of the best, if not the very best that has been introduced by the Government this session. It is a paternal measure. The Government seem to have gone all over this great Dominion, and to have picked out the places where it is most necessary to give assistance. They have even turned their attention to James' Bay, and the most gratifying feature of all is that the public can spare the money. I picked up an English newspaper a few days ago in which I noticed an article showing the advantages possessed by different countries in the way of taxation. It shows that while we pay seven pence per head for the maintenance of our army and navy, Great Britain pays 15 shillings per head, and France, I think, pays 35 shillings, and other countries in proportion, so that we are a most favored people. We have plenty of money for permanent improvements to increase the prosperity and comfort of our people, and I think there is no money that has been voted this session that will be more beneficial, if expended, than that which is to be voted by this Bill now before the House.

HON. MR. FLINT—I am very much pleased with this Bill: I think it is in the right direction. Such enterprises as these are necessary in order to open up our back countries. We should have short lines of railway running from the trunk lines back into the interior so that we can settle our wild lands and bring out the products to market. I see that a small sum has been voted for the Napanee & Tamworth Railway. I trust that that amount will be increased another year, and that other lines of railway will receive from the Government the same fostering care; and that a portion of the surplus which, I trust, will be as large in the coming year as it has been in the past, will be given for the purpose of opening up our back country by the construction of lines of railway. We have a rich country, but it is impossible for us to do anything with it, unless we build railways and offer inducements in that way to people to settle on our lands. They are induced to go to the United States, because they can get farms in the vicinity of railways, and they have the assurance that when they are able to produce anything, they will have ready access to market. This Bill is in the right direction, and if I should be spared to take my seat in this House another year, I hope to find the Government in a position to do far more towards assisting short lines of railway to open up the country than they are doing at present.

HON. MR. POWER—This is an important Bill. In the first place it is important directly, because it proposes to vote away $2,138,400.

HON. MR. FLINT—That is not much.

HON. MR. POWER—The hon. gentleman from Trent Division says "that is not much;" but I think after we have made two or three more votes of this kind there will not be very much of the surplus left about which so much boast has been made.

HON. SIR ALEX. CAMPBELL—You cannot have your cake and eat it.

HON. MR. POWER—I suppose not, but the question is whether you should eat it all at once. The expenditure of over $2,000,000 is always an important question. When times are good and the country is prosperous, hon. gentlemen seem to forget that the Dominion will not always continue to enjoy the same prosperity, and that the day may come—and that perhaps

within a very short time—when $2,000,000 will be considered a very large item indeed. It is not many years since we heard very eloquent speeches delivered in this Chamber in denunciation of much smaller expenditures than $2,000,000.

HON. MR. READ—That was before we had the National Policy.

HON. MR. POWER—If the National Policy will make wheat grow in Canada, and prevent it from growing in England, it must be a very wonderful policy. This is then, an important measure, and I regret that, like many other important measures, it comes down to this House at a period of the session when it is impossible to give it proper consideration. I think the Government are very much wanting in their duty in not having brought down their measures earlier in the session. We spent the first six weeks of this session practically doing nothing, and now we are obliged to rush important bills through without consideration. This Bill introduces another important question. It shows that the Government have deliberately adopted a principle which was introduced last Session, that is the granting of subsidies out of the Dominion Treasury to roads which are purely Provincial in their character. It was a thing that was not so much to be wondered at last Session, because at that time the Government were going to the country, and were naturally anxious to secure friends in the coming election. There is not any such reason for the present grant. The policy may be a good one, and it may be bad: it is a policy which is certain to lead to very serious embarrassments to the Dominion Treasury in a short time. This Session a certain number of favored roads have got what is familiary known as "the inside track," and they are promised subsidies. Next session fifty other roads, which have about as good claims as those which are now being subsidized by this measure, will exercise a pressure on the Government to be subsidized, and when they point to the precedent that we are now establishing, how can the Government satisfy them, that they cannot grant them subsidies? In that way it is easy to see that the whole revenue might be expended in subsidizing local railways. That is a view that does not seem to have presented itself to the hon. Minister of Railways; and it does not seem to have occurred to the Minister of Justice who has not yet given any special reason for the grants that are mentioned in this Bill. Having said so much on the general principle of the Bill, I wish to make a few remarks as to the roads that are subsidized. I trust that the hon. gentleman from Bonaventure will find that this subsidy of $3,200 per mile is sufficient to secure the construction of the road that he speaks of; possibly with the grant of 10,000 acres of land it may be sufficient, that is, if the land is good.

HON. MR. ROBITAILLE—I think I have shown from the census returns enough to convince the hon. gentleman from Halifax that the land is not valueless. The comparative statement as to the productive power of the Gaspé district, and that of the Counties of Richmond and Wolfe, in the Eastern Townships, shows that the Gaspé district has the advantage, both in quality and quantity of its agricultural products.

HON. MR. POWER—I am glad to hear that it is so, and I hope that the grant will be sufficient to secure the construction of the projected road. I think that if any Provincial roads are to be subsidized, the Bonaventure road and the Caraquet Railway, in New Brunswick, as feeders of the Intercolonial Railway, deserve to be assisted, inasmuch as they will increase the value of the Government road. The next subsidy is that to the Gatineau Valley Railway Company. I understand that that road, like the Baie des Chaleurs Railway, has a large land subsidy from the Quebec Government; and as it will open up a country rich in phosphates and other mineral resources, it is probable that this money subsidy will secure its construction. The Gatineau Valley Railway, the Montreal and Western Railway, and the Napanee and Tamworth Railway, are all in a different position from the two first mentioned in this Bill: they do not connect with the Government Railway—they all connect with the line of the Canadian Pacific Railway, and will form feeders to that road, so that, to a great extent, the subsidy which we are giving to these roads is an

additional bonus to the Canadian Pacific Railway.

HON. MR. READ—I do not think the Napanee & Tamworth Railway is a feeder of the Canadian Pacific Railway. I live in that part of the country, and it is news to me if it is a feeder to that line.

HON. MR. POWER—I was under the impression that it was a feeder of the Canadian Pacific Railway.

HON. MR. READ—I do not think it runs within 200 miles of it; it will be a feeder of the Grand Trunk Railway.

HON. MR. MASSON—Did the hon. gentleman from Halifax refer to the Lake St. John Railway as a feeder of the Canadian Pacific Railway?

HON. MR. POWER—I did not mention that road as a feeder of the Canadian Pacific Railway. I am glad to see that the Government are acting impartially by helping both the rival roads. There is one enterprise in which I naturally take greater interest than many other hon. gentlemen in this House, that is the Great American & European Short Line Railway. It must strike one at first sight that this subsidy of $3,200 per mile is insufficient to secure the construction of that road; for the reasons that the line is not an easy one to construct, and the public lands of Cape Breton are not, I think, of much value for agricultural purposes. Most of the good agricultural lands in that country have been disposed of; and as the road is to run south of the Bras d'Or Lake from the Strait of Canso to Louisburg and Sydney through a comparatively poor country there will not be sufficient local traffic to support a railway. There may be, in the future, considerable through traffic to Sydney and Louisburg. In Nova Scotia it was found that a subsidy of $6,000 per mile was not sufficient to secure the construction of the line from New Glasgow to the Straits of Canso. That was a road which offered a great deal more local traffic to assist in paying for itself than the road under consideration; and in the end the Local Government of Nova Scotia were obliged to grant a sum of $8,000 dollars a mile to secure its construction; and it was with some difficulty that it was accomplished even with that subsidy, so that hon. gentlemen will see that there are at first sight grave reasons to doubt whether this subsidy will lead to the construction of the line. It is true that in the other Chamber the hon. Minister of Railways intimated a rather decided opinion that the grant would ensure the construction of the road. Naturally we are bound to attach a good deal of weight to his views on the subject, but there is the fact that the company asked for double the subsidy which they are given here, and there are the other facts which I have mentioned; and, while not venturing to say that the Minister was mistaken, I feel satisfied that when Parliament meets again next session we shall find that no work has been done on this line.

HON. MR. PLUMB—Does the hon. gentleman approve or disapprove of that grant?

HON. MR. POWER—I do not know whether my views on that subject would be of any value to the hon. member from Niagara. As a general thing, he does not seem to attach much weight to my opinions on questions of public policy, and I do not know that I am obliged to tell him, but I think that this subsidy is very good as far as it goes. I only regret that it is not double the amount stated here—if the hon. gentleman wants my opinion. I think that if the sum of $6,400 per mile had been provided it would have guaranteed the construction of the road. I wish the hon. gentleman not to misapprehend the position which I take: I do not approve of the grant because it is a local road, but because it is a Dominion road, and Louisburg has been indicated many times by gentlemen who are now members of the Dominion Government and by members of commissions appointed to inquire into the subject, as being a fitting harbor for Dominion purposes on the Atlantic. I do not think myself that it will ever successfully rival Halifax, but still it is, by a great many people, regarded as a fitting harbor for Dominion purposes, and a road to that point is not a local but a Dominion work, and is held by a great many people to be the natural conclusion of the great line of railway which is to run from British Columbia through to Cape Breton. I think

that not being a local road, it is entitled to a much more respectable subsidy than is mentioned here. Of course, if the opinion expressed by the Minister of Railways in the other Chamber is a correct one and the country can secure the construction of that road by this small subsidy of $3,200 per mile, it is a wise thing to save he remaining $3,200.

The next company to which a subsidy is granted is the International Railway Company for 49 miles of their line from Sherbrooke, in the Province of Quebec to the International Boundary Line. This is to be in connection with the extension of this road to connect with a railway at a point south Vanceboro in New Brunswick.

Now, hon. gentlemen, there are two or three points in connection with this grant, which I think deserve the attention of the House.

In the first place, this International Railroad which is intended to form a portion of a short line from Montreal to the Lower Provinces, is to enter into competition with the Intercolonial Railway. I think that after the people of this country have spent fifty millions of dollars, or thereabouts, in constructing the Intercolonial Railway, it is a very strange policy to spend more of the people's money in subsidizing a road that is to compete with that railway and take away its business.

Again, the subsidy is not necessary; because private enterprise would construct that road without Government aid. It has certain advantages which would lead to its construction independent of Government assistance.

There is another feature about it. My information leads me to believe that the road to the border has been constructed; that there certainly do not remain 49 miles of this road between Sherbrooke and the International boundary line yet uncompleted, but that on the contrary there are not more than 10 or 12 miles yet to be built; so that instead of paying for a road which is to be constructed in our own territory, we are either refunding to the owners of the road money which they have already expended—which seems to me a very questionable thing to do—or we are in another way paying for the construction of a road through foreign territory, Now I think everyone who recalls the discussions which took place in connection with the Canadian Pacific Railway, three years ago, must remember the strong objections made by the Government and the members who supported them, to allowing any portion of that road to run through American territory; and it seems to me that it is exceedingly inconsistent of the Government now, to subsidize a road which is to run through American territory, and which is to compete with and to take away business from a Government road running through our own territory. As to the Northern and North-western Railway I do not know anything about it. I presume that in that case there is a grant from the Local Government as well. Then there is a grant to a road of which I have already spoken, the Montreal and Western Railway, for the first 50 mile section. I think it very doubtful, indeed whether this small grant, which will be only about enough to put rails on the road, will be sufficient to secure its construction. The country through which it runs, although fairly fertile, has not the necessary population, and I have grave doubts as to whether we shall ever be called upon to pay this money. The Quebec and Lake St. John Railway is one that was subsidized last year; and it is as purely a local road as can well be imagined; although I believe it will help to open up a very fertile country, and if the principle of the Bill is admitted—that we are to subsidize local roads—I presume this railway has as good a claim to a subsidy as any other. Then the last item in this Bill—or at least the last subsidy proposed—is one to a railway from Gravenhurst to Callendar, a distance of 110 miles, for which the subsidy is not to exceed $6,000 per mile or, say $666,000. Now, the Act which was passed on the subject of railway subsidies last year, and to which I have already referred, being chapter 14, of the Acts of 1882, provides for a subsidy of $6,000 a mile to the same railway. Hon. gentlemen are aware that the Midland Railway Company have offered to build this road for the existing grant of $6,000 per mile; and it is difficult to conceive what motive has induced the Government to double that grant, to enable another company to complete the same road; it is merely throwing away a sum of $666,000, and it is hard to believe that there is not some undisclosed reason why one company is favored more than the other. I

think the wiser course (and it must so strike hon. gentlemen) would have been to have allowed any company willing to complete the road, to have done so for the smaller subsidy, and then the Government might see that other companies were granted the necessary running powers over that road; but if the Government are going to make so large a grant, I think they ought to take greater powers to deal with that road themselves than they do in this Bill. It ought to be so provided that where $12,000 per mile of the public money is being expended, the Government should have the right to control the road, so that all companies would have equal rights over it, or at least to see that the rates are moderate. There is one other point to which I feel bound to call attention before I sit down, and it is this: that I regret, when the Government and the hon. Minister of Railways adopted this policy of subsidizing roads of a purely local and provincial character, that the Minister did not provide in this Bill for any subsidy to a road in his own Province, which needs it much more, I imagine, than any road for which a subsidy is provided here. Before Confederation, legislation was passed in the Province of Nova Scotia, providing for the construction of a road from Windsor to Annapolis. The Dominion owns the road from Halifax to Windsor, and the Windsor and Annapolis is a continuation of this Dominion Government Railway. Within the last few years another road—the Western Counties Railway—has been constructed from Yarmouth, at the western extremity of the Province of Nova Scotia, towards Annapolis, to connect with the Windsor and Annapolis road. The Company constructed some 60 miles, I think, of their road; and for the last three or four years there have remained some 19 or 20 miles unconstructed. The Company have not the means to complete the road; the Province of Nova Scotia has no money to help them to do so; and the consequence is that this important link in the road, which in one way is a branch of the Intercolonial Railway, cannot be constructed. The Western Counties road is not a local road in at all the same sense as most of those that have been subsidized in this Bill. As I have already shown, it is an extension of a branch of the Intercolonial Railway and connects across the Bay of Fundy, by means of a ferry, which takes only about three hours to cross, with the several railways—the Intercolonial Railway, and three or four others which terminate at the City of St. John, N.B. It connects at the western end with a line of steamers running to Boston, and, I think, to Portland; so that it is, strictly speaking, hardly a local road at all; and I cannot understand how the Minister of Railways should have overlooked this important line in his native province, or how it occurred that some of the gentlemen who support him in the other Chamber did not see to it that some small grant was made to the Western Counties Company, in order to enable them to build those nineteen or twenty miles of road. There is another point as to the grant to the Great American and European Short Line Railway Company. It seems to me that the Bill ought to contain a provision that, if this Company fail to construct this road, or to make a *bona fide* beginning of it within a reasonable time, then the Government may grant this subsidy to another company. I deem it unfair to that section of the country, to limit the grant indefinitely to one particular company, and I propose when the Bill goes into Committee—if it does go there—or if not, then I shall move at the present stage, that a proviso be added to the Bill, to that effect: I presume the Minister can have no objection to the amendment.

HON. SIR ALEX. CAMPBELL—We cannot accept the amendment.

HON. MR. WARK—I do not propose to discuss the Bill now before the House, but as a few of my hon. friends on the other side of the House have made enquiries of the Hon. Minister of Justice in regard to matters affecting their particular districts, I would call his attention to a railway that I think has not been very generously treated by the Government, and the consideration to which it is fairly entitled has not been shown. I refer to the line of railway which connects the town of Richibucto, New Brunswick, with the Intercolonial. I have always taken a deep interest in that section of the country, and although I have not resided there for many years, I was 40 years among those people, and still

feel an interest in their welfare and prosperity. The town of Richibucto is important both because of the volume of its exports and the amount of its revenues, and aid to the line I have mentioned, if generously given, would greatly benefit that section of country. Before the late Ministry went out of office it was understood from the then Minister of Railways that the Government had old rails enough to lay about 40 miles of road, and that those rails should be divided between the Richibucto railway—called the northern—and the central railway, passing through Fredericton, Sunbury, Kings and Queens counties, to the Intercolonial. These were both branches of the Intercolonial and on the strength of this promise companies were incorporated to build these roads. Now the condition on which a subsidy of $5,000 per mile was granted by the Local Government to these roads, was that 20 per cent of stock of some kind should be expended for every 80 per cent of subsidy that was drawn, and as I understood at the time the only way in which the Richibucto Railway could obtain this grant was by getting a certificate or written undertaking from the Government to furnish the rails as fast as they were required, and that undertaking was accepted by the Local Government as equivalent to the required 20 per cent expenditure. Now I think it is 4 years or more since the construction of the road was commenced, and two years ago all they could get was, I think, enough old rails for 10 or 11 miles. Last year they got a few more, and it has been dragging along in that way for 4 or 5 years, and is still not completed.

I wish now to ask whether the Minister of Justice can give me any information as to when the Government will be ready to furnish the necessary rails for this road? The local subsidy only amounts to about $1,600 per mile, or just about the value of the rails, and the dilatory way in which these rails have been furnished has really discouraged the people of that part of the country; I shall therefore be glad if the Minister can give me some idea of what is to be done.

HON. MR. PLUMB—I have listened with some attention to the remarks made by the hon. gentleman from Halifax, and I was led to two or three conclusions by him, though they were perhaps not exactly the ones he intended to impress upon the House. In the first place I remember that the policy of the hon. gentleman and his party was to complain of our having surpluses, but he now strongly objects to spending that surplus as we have got it. Of course if the hon. gentleman and his friends had been in power, there would not have been any surplus, probably, because their policy would not have brought about that result, as their administration was distinguished entirely by a surplus on the other side of the account. The hon. gentleman laid particular stress upon the granting of subsidies to provincial railways, and he said that, prior to the general elections, subsidies were granted to those roads for the purpose probably of influencing those portions of the country where the surplus was granted in favor of the administration. He then insinuated that it was for party purposes, but the hon. gentleman's argument is rather weak, because he now objects that we are doing the same thing after the elections, when there is no political object to be gained. Consequently I think that, in all candor, he ought to admit that if the sy tem was adopted before the elections and continued afterwards, it was really adopted for some other purpose than for a political one specially. The hon. gentleman very strongly objects to one subsidy, because it is not large enough—I mean in the case of the straight line to Louisburg—that he thinks should be doubled, so when it affects his own special and immediate interest he is not so solicitous about the treasury.

HON. MR. POWER—It does not affect my own interest in any way.

HON. MR. PLUMB—The hon. gentleman says, also, that he objects to spending the surplus because by and by we may want it. He may congratulate himself that there is such a surplus in the treasury and that the revenues are likely to continue to produce one, but there can be no fair objection to the legitimate distribution of the moneys that have come from the people, and the Government have a right to devote that surplus either to the reduction of such taxes as will not affect the general principle of protection, or in granting subsidies in the form which is now proposed. The hon. gentleman also

objects very loudly to the amount proposed to be granted to the road from Callendar station. Now it is well known that it was the policy—

HON. MR. POWER—Will the hon. gentleman excuse me. I objected to doubling it.

HON. MR. PLUMB—I never get up to interpolate the speeches of the hon. gentleman.

HON. MR. POWER—No—you do so without getting up.

HON. MR. PLUMB—Anything he wishes to interpolate while I am speaking, or any explanation that he chooses to make, can be made afterwards. He objected to a subsidy for the road from Callendar station which would now amount, with the former grant, to $12,000.00 per mile, but the hon. gentleman should remember that the former leader of his party—now superseded—stated to the House of Commons and to the public that it was his intention to subsidize the two connecting links with the Canadian Pacific Railway, one the Canada Central, which was subsidized accordingly, and another from Callendar station, which was to be a separate and independent line. The hon. gentleman says the Midland Company would build the road for $6,000.00 per mile, and I know there are other lines which would be very glad to have taken that subsidy and controlled that business, but it is intended that there shall be an independent line for the purpose of carrying whatever trade there may be in that direction to the great centres of Toronto and Hamilton, and I do not think the hon. gentleman fully understands the need of Ontario, or the interests that are to be protected by that grant. I heartily approve of it, and I think it is heartily approved of in Ontario. I have no doubt that the Government in its wisdom will see to it that that line shall remain independent, and that all the railways connected with it will have a fair show in regard to the traffic. That is the intention of that grant, and it is the most important one on the paper. It is vital to the interests of Ontario that no company now existing should grasp that traffic for its own benefit. The Midland is a very excellent Company, and I have no doubt that they would be very glad,, as other railways running in that direction would be, to get control of that link, but the Government have seen fit to make that an independent line, as, I trust, it may continue to be. We all know, however, what an irresistable tendency towards amalgamation exists in all railway interests, but if that line can be kept separate, it will be for the benefit of Western Ontario, and that it is the intention to keep it separate, I do not make the slightest doubt.

The hon. gentleman from Halifax, will of course excuse me for saying that during the few remarks I chose to make on this question, I did not care about his rising to interrupt, and the hon. gentleman's habit of addressing the House at length upon all subjects, always manifesting a very decided irritation if anyone speaks to him or asks him a question, (particularly if I do,) justifies me in claiming my right. I do not wish to be discourteous to the hon. gentleman, but I must say his speeches are fragmentary. We listen to them because they often convey information in a jerky sort of a way, but when we think he has got to the end he is only beginning on another branch of the subject. His speeches are as full of ends as the reverse side of a rag carpet, and very much like the seamy side in their construction. We are blessed with exemplary patience, and are willing to listen, but I must say when I wish to speak in reply to the hon. gentleman, he must wait for his opportunity of answering me until I have finished.

HON. SIR ALEX. CAMPBELL—The question put to me by the hon. gentleman from Richibucto I desire to answer now. I am not aware whether any subsidy or assistance is to be given to that road, but now that the hon. gentleman has mentioned the matter I will speak to the Minister of Railways on the subject, and refer to it again to-morrow.

HON. MR. WARK—The station has recently been burned down, and the Government want that weak company to pay one-half the expense of re-building it. I think the Government ought to build it without assistance.

HON. MR. POWER—I rise to make one or two explanations for the benefit of

the hon. gentleman from Niagara. There was one thing that he could not understand, he said: that was why it was thought, now that the elections were over——

HON. MR. PLUMB—I rise to a question of order. The hon. gentleman is making a second speech upon the subject while the House is not in Committee. I beeieve that he cannot do so without leave.

HON. MR. POWER—Everybody knows the rudimentary rule, that two speeches cannot be made upon the same subject, but it is a rule which in this House is more honored in the breach than in the observance, and there is this fact to be remembered, that it has always been the rule in the Senate that a member may make an explanation of anything which has been mis-construed.

HON. SIR ALEX. CAMPBELL—This is a second speech. This is a reply.

HON. MR. POWER—I wish to make an explanation. I was going to explain something which the hon. gentleman had misunderstood. He misapprehended what I said about the grants that were made before the elections. I wish to inform him that I had omitted to made a further explanation.

HON. MR. PLUMB—Order!

HON. MR. POWER—I am simply explaining, and the explanation I wish to make is this, that I unfortunately omitted, when speaking before, to say that the Government in some cases, as in that of the Napanee and Tamworth Railway, were carrying out promises which they had made before the elections.

HON. SIR ALEX. CAMPBELL moved the third reading of the Bill.

HON. MR. POWER—I object to the third reading taking place to-day. I have an amendment which I propose to offer at the third reading.

HON. MR. MILLER—It is too late to object now.

HON. MR. POWER—I could not have objected before. I object to the Bill taking another stage, because I wish to move an amendment.

HON. SIR ALEX. CAMPBELL—Could not my hon. friend move his amendment now.

HON. MR. POWER—I undertake to say that I shall not make a speech in moving the amendment. I object to the third reading taking place to-day.

HON. MR. MILLER—What is the objection?

HON. MR. POWER—That only one step can be taken with a bill unless the rule has been suspended.

HON. MR. MILLER—The rule has been already suspended. I think the Minister should insist upon the third reading.

HON. MR. POWER—I hope the Minister will extend to me the courtesy which I ask.

HON. SIR ALEX. CAMPBELL—I do not see why the hon. gentleman cannot move his amendment now. He has it written and he says he does not intend to speak on it.

HON. MR. MILLER—I give the hon. gentleman from Halifax notice that he will be called to order whenever he trespasses on the rules. There is not a member of this body who has bored the House more with irrelevant speeches on all occasions—

HON. MR. POWER—Order!

HON. MR. MILLER.—The whole of this afternoon he has attempted to monopolize the time of the House when everyone else desired to advance business.

HON. MR. READ—I do think after the rule has been suspended as regards this Bill, and the hon. gentleman has given notice of his amendment, he should not detain us at this late period of the session. As a matter of courtesy he should consult the wishes of the House and let the Bill be read.

HON. MR. POWER—I only want to put my amendment on record.

HON. SIR ALEX. CAMPBELL—It can be put on record as well to-day as to-morrow.

HON. MR. HAYTHORNE—I make this appeal to the hon. gentleman from Halifax; the House has heard him patiently, and he is now asked to waive his objection and let the Bill be read the third time. Considering the attention that was paid to his remarks to-day, he should offer no further opposition.

HON. SIR ALEX. CAMPBELL—I move the third reading of the Bill. I hope my hon. friend will move his amendment now.

HON. MR. POWER moved in amendment that the Bill be not now read the third time, but that this proviso be added at the end of the Bill:—

"And provided further, as to the subsidy mentioned as payable to the Great American and European Short Line Railway Company towards the construction of a railway from the Strait of Canso to Louisburg or Sydney, that if the said Company shall not have begun and vigorously prosecuted the actual work of construction on the said railway within two years from the passing of this Act, the said subsidy shall be payable to any company who shall establish to the satisfaction of the Governor-in-Council their ability to complete the said railway, and who shall be approved by the Governor-in-Council."

HON. MR. MILLER—The amendment is not in order. I insist upon the question of order, and call upon you, Mr. Speaker, to decide it.

HON. SIR ALEX. CAMPBELL—It was understood that the hon. gentleman should have an opportunity to move his amendment.

HON. MR. MILLER—I insist upon the point of order.

HON. MR. POWER—I think the point of order is not well taken. When the rule is suspended which provides that a Bill shall not take more than one stage on the same day, you must necessarily suspend with it the rule which requires notice of an amendment, because it is never intended by a suspension of that rule to prevent an expression of opinion on an amendment. Otherwise the suspension of the rule would prevent the amending of the Bill.

HON. MR. MILLER—With regard to the question of order, I think the hon. gentleman is altogether wrong. The suspension of the rule, requiring notice of an amendment is one thing: the suspension of the rule requiring that Bills shall take but one stage at one sitting is another. If the hon. gentleman had an amendment to move, the time for him to make his objection was when the Minister moved the suspension of the 41st rule. Not having done so then; having permitted the 41st rule to be suspended, and the other rule with regard to notice not having been suspended, the hon. gentleman is not in a position to move his amendment.

HON. SIR ALEX. CAMPBELL—I do not think we should press the rule so closely, particularly when the House has indulged me to move the three readings at the one sitting. It would be impossible for the hon. gentleman to give a day's notice, and therefore to hold a member so strictly to the rule would be attended with inconvenience. I remember the hon. gentleman from Halifax did state—I do not know whether it was in this discussion or when the Bill was first introduced—that he would offer an amendment.

HON. MR. MILLER—I must adhere to the point of order which I have raised. The fact is, the hon. gentleman does not deserve any consideration. The House has heard him the whole afternoon with patience.

HON. MR. POWER—That statement is not correct.

HON. MR. MILLER—I am in the judgment of the House, whether it is correct or not correct. The hon. gentleman at this period of the session, when every other member desires to attend to the business before us, undertook—

HON. MR. POWER—I rise to a question of order. My conduct is not before the House, and the hon. gentleman is out of order.

HON. MR MILLER.—If necessary, I shall move the adjournment of the House to enable me to speak. The House indulged the hon. gentleman the whole afternoon. He got up afterwards to make a second speech and attempted unfairly to impose on the House——

HON. MR. POWER—Order!

HON. MR. MILLER—What is the question of order?

HON. MR. POWER—The hon. gentleman is using sharp and taxing language, and attributing improper motives.

HON. MR. MILLER—I repeat it. I say he sought to impose upon the House—

HON. MR. POWER—I rise to a question of order. Our rule forbids sharp and taxing speeches.

HON. MR. MILLER—Our rule does not prevent telling the truth.

THE SPEAKER—I think the hon. gentleman is going rather beyond the rule in charging the hon. member, as he has done, with attempting to impose upon the House. With respect to the other point I should hope that the hon. gentleman would not press it, because if it had not been supposed that amendments might be moved in the usual course, the other rule whould have been suspended also. The hon. member is probably not strictly in order in moving this amendment without notice, but under the circumstances, when he could not have given more notice than he has done, I think the House should allow him to move his amendment.

The amendment was lost on a division.

The Bill was then read the third time and passed.

The Senate adjourned at 5.55 p.m.

THE SENATE.

Ottawa, Wednesday, May 23, 1883.

The SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

IMMIGRATION FROM GREAT BRITAIN AND IRELAND.

INQUIRY.

HON. MR. O'DONOHOE rose to call the attention of the House to the question of immigration from Great Britain and Ireland to Canada, and to inquire, whether the Government intend to negotiate a loan with the Imperial Government or others, for the purpose of aiding and encouraging such immigration on a larger scale than hitherto.

Secondly, Whether the Government have any matured policy on the subject, or devised any means to bring before the people referred to, reliable knowledge of the resources and advantages of Canada, with a view to direct the stream of immigration to this country; and if so, what are they? their nature, and extent?

He said: While it has, during the entire Session, occurred to me that the subject of immigration was one of most vital importance to Canada, as well as to Great Britain and Ireland, and while I am still of that opinion, and believe it to be of paramount importance to any question that will engage the attention of this House; still, looking at the time at our disposal, and the anxiety of members of both Houses of Parliament to return to their homes, after so long a Session, I feel that I could not do justice to the subject and that to bring it forward at the present stage of the Session would be to damage the question; I therefore prefer letting the notice be dropped on this occasion.

HON. MR. PLUMB—I cannot but express my regret, and I have no doubt that regret will be shared by a large number of gentlemen in this House, that it so happened that my hon. friend has not been able, owing to the pressure of other business, to discuss the question of which he has given notice. I was looking forward to it with much interest, feeling that it was

a step in the right direction, and knowing that no one else in the House could present it with more feeling and eloquence than he can. I am sure I am quite within the opinion of the House when I say that the sacrifice he has made of his own feelings on the subject, for the purpose of furthering the public business will be duly appreciated. I can only express my regret at not having heard him present the case in the eloquent and forcible manner that I know he is capable of doing, and I am sure the House will agree with me in hoping that on a future occasion a better opportunity will be given to him at an earlier period of the session, and we shall have the privilege of hearing what he has to say on the subject.

HON. SIR ALEX. CAMPBELL—I was prepared to reply, and I suppose that my hon. friend from Toronto desires to put his question.

HON MR. O'DONOHOE—Yes, I desire to put the questions as you have them before you.

HON. SIR ALEX. CAMPBELL—There has been a proposition under consideration between the two Governments, not any direct transaction between them, but a proposition has been made to the English Government by some of the land companies, and I believe by the Pacific Railway Company, and the English Government in considering that proposition have suggested to the Government of Canada that it would enable them to deal with the request made by these land companies at once if the Government of Canada would agree to become parties to the transaction, and undertake the security which they desire for the repayment of the loan. The Government of Canada have not felt themselves in a position to take that stand, and nothing has been done; but we are awaiting the arrival of the Canadian Commissioner, Sir Alex. Galt, who will shortly be on his way to this country, before taking any steps towards deciding what we shall do in the matter.

HON. MR. O'DONOHOE—That answer does not cover the second question.

HON. SIR ALEX. CAMPBELL—I have still some information which I can give. I referred the second question and a note to the Minister of Agriculture and he returns me this answer which I will read to the House:—

The policy of the Government is to disseminate information by the distribution of publications, through the Agents of the Department and the several Steamship companies, numbering several thousands,—scattered over all parts of Great Britain and Ireland. The Steamship Agents are supplied with such publications by the Agents of the Department of Agriculture, in such way that information respecting the advantages which Canada offers to settlers of all classes, reaches all parts of the United Kingdom. In addition to this general dissemination of information, the Government gives assisted passages at the rate of £2 10 *s* Stg. for female domestic servants and the families of agricultural labourers, also passages of £3 Sterling to single agricultural labourers. All applicants for assisted passages must give satisfactory assurances of he good faith of their application, accompanied by a certificate as well of the character of the intending emigrant as of the nature of his or her previous occupation, together with announcement of intention to settle in Canada. When the Government Agent is satisfied with such assurances, the order for the assisted passages is given. The assisted passages are less than one half of the usual rates. The Government also co-operates with Mr. Tuke's Committee, the Irish Commissioners of Emigration, who were represented in this country by Major Gaskell, Father Nugent and others; and also with the active and beneficent efforts of Mr. Vere Foster, which have been recognized in every part of Ireland, and, in fact, throughout the United Kingdom. It is the general policy of the Government to encourage settlement in this country of all classes of population suited to the conditions of Canada, by affording all possible information, by affording the cheapest possible passages, and having agents at all important ports and points in the Dominion, to afford the newly arrived immigrants all possible information, and direct them where to go. The Government has also agents to afford such advice and assistance at the chief ports of embarkation in the United Kingdom. It has also agents on the trains to

see to the care of immigrants, in transit to Canada, and to afford them the particular directions of which they stand in need.

Department of Agriculture,
Ottawa, May 23rd, 1883.

MR. ROBERT LEMOINE

MOTION.

HON. SIR ALEX. CAMPBELL moved thar in view of the long and faithful services of Mr. Robert LeMoine, late Clerk of the Senate, he be continued an Honorary Officer of the House, and allowed the *entree* of the Senate and a Seat at the Table on occasions of ceremony.

He said: Mr. Robert LeMoine who is well known to every member of this House and who, until this Session, was clerk of the Senate ever since Confederation and was Clerk of the Legislative Council of Canada before Confederation, is ambitious to preserve nominally his connection with the Senate as one of its officers and has requested permission on State occasions to occupy a seat at the Table of this House. It seemed to me, on reading the letter which he wrote expressing this wish, that the House would gladly comply with his request and pay him the compliment of still holding him as an honorary officer of the Senate and would be glad to see him present at the opening and closing of each Session as long as he is able to appear.

The motion was agreed to.

BILLS INTRODUCED.

Tne following Bills from the House of Commons were introdnced and read the first time.

Bill (138, "An Act to provide for advances to be made by the Government of Canada to the St. John bridge and railway extension company."—(Sir Alex. Campbell.)

Bill (143), "An Act to extend to British Columbia, the Act relating to fishing by foreign vessels."—(Sir. Alex. Campbell.).

Bill (132) "An Act respecting the sale of intoxicating liquors and the issue of licenses therefor."—(Sir Alex Campbell.)

THE CONTINGENT ACCOUNTS OF THE SENATE.

MOTION.

HON. MR. READ moved the adoption of the third report of the committee on contingencies.

HON. MR MILLER—As a member of the Committee on the contigencies of the Senate, a committee on which I have served without interruption since 1867, and of which I was for some years chairman, I desire to avail myself of the opportunity afforded by the motion of my hon. friend, to make a short statement to the House. I feel that at this busy period of the session it would be very ill-becoming on my part to occupy the attention of the House one moment unnecessarily, and I shall therefore be more brief than I otherwise would be under circumstances justifying greater latitude in the observations which I am about to offer.

I may state at the outset that I am about to refer to a discussion which took place in the House of Commons a short time ago when the subject of the contingencies of this House was under consideration there. On that occasion strictures on the contingencies of the Senate which, if they had not been very unfair and marked by a most unfriendly tone towards this Chamber, would be only calculated to excite feelings of amusement, were indulged in and the report of that debate has no doubt been read by every member of this House. I have no doubt it was intended for our benefit and if any benefit is to be derived from it I trust we will not be unwilling to receive instruction from that branch of Parliament on the subject of our contingencies. I regret, however, and I think every hon. gentleman in either Chamber must regret who desires to promote that good feeling which is so necessary to the harmonious working of both branches of Parliament, that remarks characterized by such unfairness and unfriendliness should have been made. I am one of the last that would for a moment question the right of the House of Commons to scrutinize the expenditure of the Senate any more than that of other departments of the public service. It is, however, true by the usage of Parliament each House has absolute control of its own contingencies and if we are fit—as we think we are—for the im-

portant duties which the constitution imposes upon us, we are competent surely to discharge the minor duty of regulating such a small affair as our contingencies.

In calling attention to the subject I have no intention to dispute the undoubted right of the House of Commons, to inquire into all public expenditures, but I think it would be more in the interest of the country and more consonant and consistent with that spirit and courtesy which it is desirable should prevail between two co-ordinate branches of Parliament that the work should be undertaken in a different manner and spirit.

I am hardly permitted to refer to the discourteous allusion which, in that discussion, was made to the gentleman who occupies the position of head of this House, and I may be taking a liberty which that hon. gentleman will not thank me for, if I do so. We all know that the contingencies of the Senate are under the exclusive control of the Committee of Contingent Accounts. We all know that the Speaker is not a member of the Committee and that in regard to the expenses of the Senate, he has no more control than any individual Senator —in fact he is less responsible than any other member for extravagance, if extravagance exists, which I deny. It is unfair in the last degree to charge the head of this House with any such responsibility; I will go further and say that during the long time I have served on the Contingent Committee I have never known a member of the Senate more desirous of restricting the expenditures within the smallest possible limit consistent with the efficient discharge of the duties of our officers than His Honor the present Speaker. I might perhaps be permitted to go further on another aspect of the case of His Honor the Speaker, but I will on this view of it only say, and I will be borne out by every hon. gentleman near me who knows the record of His Honor the Speaker, as a member of that Committee, that there is no one in this House who has shown a more economical disposition—I may say parsimonious disposition—in regard to keeping the expenses of this House within proper limits than His Honor.

HON. MR. POWER—Except the Minister of Justice.

HON. MR. MILLER—I make no exceptions, and I presume the Minister of Justice does not want any made in his favor at the expense of his colleague. I must add, however, that while the Speaker has exhibited on all occasions, the greatest economy with regard to the expenditure of public money we have never had a gentleman occupying his high position who has been in a social point of view, so lavish and prodigal of his own. I might say more in favor of His Honor on this point but I fear it might be displeasing to him.

Allow me without any further preface to call the attention of the House to a comparative statement which I have before me on this subject. I hold in my hand a list of the officers of the Senate which I shall read to the House

THE SENATE.

Clerk, Cashier and Accountant..	3,400	
Assistant Accountant.....	1,200	
		4,600
Clerk Assistant.....		2,800
Chief French translator and Second Clerk Assistant.....		1,900
Law Clerk of Committees and English Translator.....		2,000
Clerk of English Journals.....		1,600
Clerk of Routine & Proceedings...		1,400
Clerk of Private Bills, &c.....	1,400	
Assistant Clerk of Private Bills and Junior Clerk.....	1,000	
		2,400
Clerk of French Journals, Sergeant-at-Arms and French Translator..	1,200	
Assistant Clerk of French Journals and Deputy Sergeant-at-Arms.....	1,000	
		2,200
Gentleman Usher of the Black-Rod.....		1,350
Postmaster.....		1,200
Chaplain.....		400
First French Translator and Clerk.....		1,600
MESSENGERS.		
Housekeeper.....	1,200	
3 Messengers @ $800.....	2,400	
1 " @ 750.....	750	
2 " @ 700.....	1,400	
2 " @ 600.....	1,200	
7 Sessional @ 250.....	1,750	
1 House Carpenter.....	700	
		9,400
Total		$32,850

We have first a Clerk, Cashier, and Accountant at a salary of $3,400; an Assistant accountant at $1,200, and an Assistant clerk at $2,800. I may say with

regard to this latter officer whose case has been animadverted upon in the House of Commons, that no fair comparison can be instituted between his salary and that of the gentleman occupying a similar position in the House of Commons, for this reason; the latter only entered the public service yesterday with a handsome salary of $2,400, while the Assistant Clerk in this House has been in the service of the Senate for the last forty years, during which time he has by attention to the duties of his office, risen step by step to the high position which he now occupies.

HON. MR. SCOTT—Hear, hear!

HON. MR. MILLER—I say that no fair comparison can be instituted between the two cases. It has also been left out of sight that the position has been filled in this House in consequence of the death of the late incumbent, while in the other House the vacancy was created by the superannuation of the former Assistant at a cost of sixteen to eighteen hundred dollars, and that amount, taken in connection with the salary of the present occupant of the position, is far in excess of the salary paid to the Assistant Clerk of this House.

With regard to the chief French translator, Mr. Boucher, he has by his long and efficient public services deserved, I think, more consideration than he has hitherto received. I hope at some future time, when the whole subject of the salaries of our officials shall be taken into consideration by the Contingencies Committee, that he will have justice done to his fair claims.

HON. MR. BELLEROSE—Hear! hear!

HON. MR. MILLER—Then, we have a law clerk at $2,000. The late incumbent of that office had a salary of $2,800. In the House of Commons the law clerk receives $4,000 and his department costs over $12,000, in all six times what the service costs in our House. When the vacancy was created by the death of Mr. Montizambert, we did not appoint a new officer at the same salary as the deceased gentleman enjoyed—his salary, as I said just now was $2,800 and we made a reduction of $800 in that item when we appointed our new clerk, and I think in that respect we compare favorably with the action of the other branch of the legislature, in taking a gentleman certainly not less qualified for his position, and at a less salary than the late Mr. Montizambert received. Had Mr. Creighton been an old servant of the House, holding an official position for some years then the case would have been different, and we would not have been justified in reducing the salary of the law clerk; but as he was a new officer coming into the Senate for the first time, we considered it right to reduce the salary, and it was reduced. The law clerk of the Senate is not only law clerk, but he is chief clerk of committees, and has a good deal of work in that way. We have a clerk of English journals at a salary of $1,600, a clerk of routine proceedings at $1,400, Clerk of Private Bills at $1,400, Assistant Clerk of Private Bills at $1,000; Clerk of French Journals $1,200 and an Assistant Clerk of French Journals at $1,000; Usher of the Black-Rod $1,350; and a Postmaster at $1,200. Some comment has been made in the other Chamber because of the increase in the salary of our Postmaster from $1,000 to $1,200. It must be recollected, however, that we have but one officer in the Senate Post Office, and the subject was brought before us the last session in this way: that it might become necessary to provide an assistant, as it was too much to expect the Postmaster to attend in that office from 7 in the morning to 10 or 11 p. m., the whole session through. The Postmaster offered to do the work without an assistant for an increase of $200 in his salary. Had we appointed an assistant it would certainly have cost us $300 or $400 additional. The Postmaster has performed his duties faithfully and efficiently without giving any cause for dissatisfaction that I have known. We thought it was a piece of economy on our part to increase his salary and save the appointment of an assistant. We know that an assistant might have been appointed at a small salary to commence with, but as time advanced there would be continual applications for an increase, and instead of paying $200 extra to the postmaster himself we would have in three or four years an assistant at $600 or $800. In the other House the duty of the post-master is much greater than it is in this House; but what does it cost the Commons for the performance of that duty? In the first place there is a postmaster at a salary of $1200, an assistant

post-master, and a messenger, that service costing over double as much as the Post-Office in this end of the building costs us, so that in that respect our expenditure will bear a very favorable comparison with that of the other House. Then, we have a chaplain at $400: with regard to that officer I need say nothing: it is true there is no such official in the other branch of the Legislature, and if the hon gentlemen of that branch choose to take their prayers from their Speaker and impose that duty upon him we can have no objection; but we prefer to take them in a more authentic and orthodox way. Then we have Mr. Garneau, French translator, an officer who is paid only $1,600 per year. He is an individual with whom I have not the pleasure of being personally acquainted, but I am informed on the highest authority that he is a gentleman of great merit and one who has done, outside of his duties as an officer of the Senate, great service to Canada as an historical writer. His salary is only $1,600, and I hope that when there is a re-arrangement of salaries of officers—as there must be next session—in the Senate his case will be favorably considered.

Then the housekeeper's salary, it has been charged, has been increased from $1000 to $1200. That is true, but it must be borne in mind that the housekeeper of the other branch of the Legislature receives $1200 also, while the duties devolving on the housekeeper here are not only as difficult but more onerous than those devolving on that officer of the Commons. We have as much valuable property under the care and supervision of the housekeeper in this branch as they have in the other, and we require a man in whose integrity we have every confidence, and if we want that article we have to pay for it just as much as in the other branch. Our housekeeper has been for years on a salary of $1000, alone, while the present housekeeper of the Commons was appointed on a salary of $1200, at the start, and in addition to him there have been an assistant housekeeper and two watchmen appointed for the other branch, costing $1200. Our housekeeper discharges not only the duty of housekeeper, but also the duty of stationery clerk for which two clerks are employed in the other House and paid $1800—one at $1400, and the other $400. More than that, our housekeeper is a man who has served a long apprenticeship in the service, and has risen from the position of messenger to the confidential position he now occupies. One of the gentlemen concerned in the attack on the contingencies of the Senate in the other branch of the Legislature, superannuated the housekeeper in that branch and appointed the present officer a few years ago, coming in for the first time at $1200 a year. He was appointed by Mr. Mackenzie at that salary notwithstanding the fact that he had the advantage of an assistant in the discharge of his duty and received $200 more than our officer received up to last year, who is doing the duty of stationary clerk and watchman, as well as chief messenger. We have three messengers at $800 a year: one of these is, properly speaking not a messenger. He is keeper of the news room; consequently we have but two messengers at $800 a year, the door keeper of the Senate, I believe is one of them, and the messenger appointed to attend on the Speaker is the other. I think the remarks made with respect to the Speaker's messenger are very unfair. In the Commons I am told there are, all the time, although not specially designated for that purpose, two or three messengers attending on the Speaker. Besides this the first clerk of the House of Commons has a special messenger to attend on him, as I am credibly informed, and as I have no doubt is required. I can see no reason why there should be any criticism offered because the Speaker of this House should have a messenger devoted to his particular service. In my opinion that criticism was not actuated by any desire to reduce improper expenditures in this House, but from a cause altogether foreign to it. I am afraid that the Speaker's messenger in this House has had to be responsible for some of the sins of His Honor the Speaker, and I fear those who offer the criticism have not forgiven His Honor for some of those wicked speeches and pamphlets made and written by the hon. gentleman in former days. In connection with this subject, our Speaker has no allowance for a secretary. In the House of Commons there is an allowance of $300 to the Speaker for a secretary. Our Speaker having no secretary the messenger taken to attend to his Department requires to be something in qualification beyond the ordinary style of

messenger, and the young man he has is able to perform at least some of the duties which fall upon a secretary for His Honor, and the Contingent Committee considered it as only fair, knowing how well that young man discharges the duties of his office, to increase his salary by $100 last session. Previous to last session his salary was $700 a year, and I wish to state that so far as I know, His Honor had nothing whatever to do with that increase of salary, and he is not responsible. We have then a messenger at $750 and two at $600. We are charged in the estimates with the provision for seven special messengers, whereas we have had only four in the past year, and in that way our estimates appear larger than they should be. We have also had one vacancy of a clerkship through the present session. The salaries of the officers of this House on the whole, amount to $32,250. Let us see what the contingencies of the other branch of the Legislature amount to, and make a comparison. I have here a statement of the employes of the House of Commons, so far as we know, from which it will be seen that in regard to economy, as far as both branches of the Legislature are concerned, the last place in which we should be taken to account for extravagance is in the House of Commons.

HOUSE OF COMMONS.

Clerk	$3,400	
Accountant	2,800	
Assistant Accountant...1,200 Assistant Accountant from Printing Committee.... 300	1,500	
		$7,700
Clerk Assistant	2,400	
Second do	1,800	
Clerk of Stationery and Proof Reader	1,400	
		5,600
Law Clerk	3,400	
Assistant Clerk and English Translator	2,000	
Assistant Clerk and French Translator	2,000	
Principal Clerk of Committees	1,450	
Clerk of Railway and Banking Committees	1,200	
Assistant English Translator...	1,600	
Assistant English Translator...	1,200	
		12,850
Clerk of Votes and Proceedings	1,700	
Clerk of English Journals	1,800	
Assistant do & Clerk of Petitions	1,500	
		5,000
Clerk of Routine and Records..	1,400	
Indexing Clerk	1,200	
English Engrossing Clerk	1,200	
		3,800
Clerk of Private Bills, &c	1,200	
Assistant do	1,000	
Assistant Clerk of Committees.	1,200	
Junior Clerk	1,000	
		4,400
Clerk of French Journals	1,700	
Assistant do	1,000	
Translator of Votes and Proceedings and Journals	1,800	
Sergeant-at-Arms	2,400	
Deputy Sergeant-at-Arms	1,200	
		8,100
Postmaster	1,200	
Assistant Postmaster	800	
Messenger for Postmaster	500	
		2,500

FRENCH TRANSLATION.

6 Permanent Clerks	7,700	
5 Sessional "	2,000	
		9,700

SESSIONAL CLERKS.

5 Permanent Sessional Clerks..	2,000	
25 Sessional Clerks	7,500	
		9,500

MESSENGERS.

Chief Messenger	1,200	
Asst do	900	
2 Messengers @ $800	1,600	
3 do. @ 700	2,100	
1 do. @ 650	650	
2 do. @ 500	1,000	
1 do. @ 400	400	
1 do. @ 300	300	
37 Sessional Messengers @ $200.	7,400	
4 Bathroom and Washroom Messgrs. @ $1.50 per day...	600	
House Carpenter	700	
2 Night Watchmen @ $600	1,200	
		18,050
Clerk of Public Accts Committee		1,200
Asst Clerk of Votes and Proceedings and Sec'y to Clerk of House		1,450
Speaker's Secretary		300
TOTAL		$90,150

RECAPITULATION.

	Senate.	Commons.
Clerk's Department	$4,600 00	$ 7,700 00
Clerk Assistant	2,800 00	5,600 00
Law Clerk's Department	2,000 00	12,850 00
English Journals	1,600 00	5,000 00
Routine and Proceedings	1,400 00	3,800 00
Private Bills	2,400 00	4,400 00
French Journals and Serjeant-at-Arms, &c	2,200 00	8,100 00
Gentleman Usher of the Black Rod	1,350 00	.....
Postmaster's Department	1,200 00	2,500 00
Chaplain	400 00	.....
French Translation	2,500 00	9,700 00
Sessional Clerks	.....	9,500 00
Messengers	9,400 00	18,050 00
Clerk of Public Accounts Committee	.....	1,200 00
Assistant Clerk of Votes and Proceedings, and Secretary to Clerk of House	.....	1,450 00
Speaker's Secretary	.....	300 00
Total	$32,850 00	$90,150 00

SESSIONAL CLERKS.

STATEMENT showing proportion of Sessional Clerks to members, with average cost per member, for the House of Commons:

No. of Members.	No. of Sessional Clerks.	Proportion of Sessional Clerks to members.	Total cost.	Average cost per member
211	30	1 to every 7	$9,500	$45.02

The number of Sessional Clerks to which the Senate would be proportionately entitled would be 10, at a total cost of $3,511.56.

SESSIONAL MESSENGERS.

Comparative Statement, showing proportion of Sessional messengers to members, and proportionate cost for each member.

	No. of Sessional Messengers.	Proportion of Sessional Messengers to members.	Proportionate cost for each member.	Total cost.
Senate	7	1 to every 11	$22 44	$1,750 00
Commons	41	1 " 5	37 91	8,000 00

SESSIONAL CLERKS AND SERVANTS.

	No.	Cost.	Average cost per member.	No.	Cost.	Average cost per member.
Sessional Clerks	.....	.....	.....	30	$9,500 00	$45 02
" Messengers	7	$1,750 00	$22 44	41	8,000 00	37 91
Total	7	$1,750 00	$22 44	71	$17,500 00	$82 93

The aggregate for the Senate is $32,250 00
" " House of Commons 90,160 00

HON. MR. MILLER

If it be a fact, as I have been informed to-day, that it is the intention to give $50 as a gratuity to each of the forty-one sessional messengers of the Commons this session, in this one item alone the other House will increase its contingencies by $2,100, nearly five times the whole increase of our salaries last year. And this is the quarter from which the Senate must receive lessons of economy.

I say if there is anything in which we can favorably compare with the other branch of the legislature it is with regard to our expenditures and the care which the Contingent Committee has invariably exercised in keeping down its contingencies to the lowest possible figure. The contingencies of the Commons amount to over $90,000—three times as much as those of the Senate. Then with regard to Sessional Clerks, how do we stand? In the House of Commons there are 211 members. That House has 30 Sessional Clerks in addition to the regular staff, that is one Sessional Clerk to every seven members. I am told in some cases those Sessional Clerks are nothing more than Private Secretaries to members of the House of Commons. This is a charge which does not at all exist on this side of the building. The cost to the country for Sessional Clerks in the House of Commons last year was $9,500 that is equivalent to $45,02 for every member of the House, and an item of expenditure which does not appear at all in our contingencies. The number of sessional clerks to which the Senate would be proportionately entitled, would be ten, at a cost of $3,511.54. Now with regard to the messengers, about which so much was made in the House of Commons, on the occasion to which I allude, how do we compare with them? In the Senate we are charged with seven, because there is provision for seven in the estimates, but we have actually only four; we may, however, require one or three more in the future, but even taking the statement as it appears in the estimates, the Senate has seven sessional messengers, while the House of Commons has no less than forty-one; that is we have one to every eleven members, and they have one to every five. In that respect we cost the country altogether $22.44 per member, while the House of Commons costs $37.91, and the total cost for this service is $1,750 for the Senate, as against $8,000 for the House of Commons.

That statement, however, is to be corrected by a deduction on account of three messengers which were not appointed by the Senate during the present session, to fill vacancies which occurred during the last session, and I think it can thus be seen that we have nothing to fear from a comparison of our expenditure with that of the other branch of the Legislature, or from an investigation anywhere into the expenditures of this House. It was said in the debate in the Commons that we had increased the salaries of our staff by $1,600 last session. This is not strictly correct. The permanent messenger was promoted from sessional to permanent duty at an increased cost of $350, not $800, and then we saved $800 in the salary of our law clerk, making the actual increase of salaries last year only $450, everything considered. As I said, the Contingent Committee of the Senate for the last sixteen years, to my knowledge, has been particularly anxious not to give any ground for complaint in any respect; has even erred, I think on the other side, in desiring to give as little cause as possible to those whom we knew to be unfriendly to the Senate and who were continually, in the press and elsewhere, unfairly attacking us. I think we have succeeded in doing so, and that we have nothing at all, to the satisfaction of every right minded man, against us on this score. I take this opportunity of showing the country that the impression attempted to be produced against the Senate, in the other branch of the Legislature, on the ground of extravagance is altogether unwarranted. It was unfortunate indeed that when such an attack was made there happened to be no Member of the Government in the other House in a position to defend the Senate—that there was no minister there who possessed the information necessary to repel the attack which was made upon this House. There is another subject also upon which a good deal was said in the House of Commons, and to which I wish to refer, viz., the question of stationery. I beleive in regard to that matter—which is not a very large or important affair—that we have been a little more expensive than the House of Commons. It is said that our paper is a little better than theirs, and

that it is ordered in a way which costs the country something more than it does in the House of Commons. I believe there was some ground for fair criticism in this respect under the system which has hitherto prevailed. This year, however, I know, being a member of the sub-committee of the Contingent Committee on Stationery, that every means in our power was taken to inform ourselves as to the possibility of reducing our expenditure under this head, and I think we have discovered one or two things which may materially contribute towards that end. But the unfairness of the comparison made in the other branch is what I wish particularly to bring before the attention of the hon. gentlemen here. An average of the total expenditure for stationery, in each branch of the legislature, is taken, and divided by the number of members in each House, and hon. gentlemen will see how unfair such a system of comparison necessarily is. For instance, we will suppose over and above the distribution in the boxes to members, $3,000 would be required for departmental work of each branch of the Legislature, the Senate and the House of Commons. Now I am not going to make that comparison because I know it would be unfair. There ought to be much more paper used in the various offices of the House of Commons, than in those of the Senate, because undoubtedly there is more work done there: more of the work of legislation is initiated and carried on there, than in our House. But, making every allowance of that kind, if an average is to be struck by taking the number of members of each House as being the divisor of the sum total of the cost of stationery in each, it will be seen how unfair it would be, because the number of members in the House of Commons is three times, or nearly so, greater than the number of members here, an expenditure that might only show a cost of $10.00 per head in the House of Commons, would give an expenditure for the Senate of $30.00, although the same economy were practised in both Houses. This averaging the cost of stationery supplied to members, as well as that used in the offices of the two Houses respectively, is a very unfair way of making a comparative statement, as will readily be perceived at a single glance. Again, with regard to our contingencies generally, it must be recollected that we are very differently situated from the House of Commons. If we want anything at all—no matter for what purpose—the only fund to which we can have recourse is the contingent fund of this House. For instance, if we agree to give a gratuity to a retiring officer, it has to come out of that fund, whereas in the House of Commons such an amount would be placed in the estimates. Then, again, when we pay a large sum of money say $6000 for reporting the debates of this House it has to come out of the contingencies of the Senate, and goes to swell the expenditures of the sum. In fine, if we want to provide for anything in connection with the internal economy of the House we have no fund except this at the disposal of the Contingent Committee, while in the other branch of the legislature they can by requisition get nearly anything they want without any charge on that fund. Another thing goes to swell our contingencies, and it is one which I think is very wrong. In this House, when a bill fee is paid, the Clerk remits it at once to the credit of the Receiver-General, and if the Bill does not go through, the House orders the fee to be returned. There is no means of doing it except by a check on our contingencies; therefore this money, which is merely a refund of fees which have been paid on account of private legislation and which have gone into the general treasury, is charged against us in our contingent expenditure, every re-fund that takes place—which is very often. And how is it in the other House? There is a clerk appointed by that House especially to take charge of this fund, which is a very large one, amounting to between $20,000 and $25,000. At times there is a balance remaining in the hands of that clerk of perhaps $12,000 or $14,000 which is not paid over until an order is given by the Committee on the internal economy of that House. And that sum very often forms a most convenient fund out of which to pay things, that cannot be paid in this branch of the Legislature except through the Contingent Committee's fund. For instance, I am informed that last year there was something like $12,000 of this fund at the close of the Session in the hands of that Clerk, and before it was paid over every clerk of a Standing Committee of the House of Commons had his salary increased from that fund to the extent of

$100, and some of the French translators were treated in the same way. Now that is a thing of which the public knows nothing but which, if done in our House, would create a howl of complaint in the other branch of the Legislature, for perhaps a whole session. I fear I am wearying the House, but I felt it was due to the Senate after the unfair attack which was made upon it and upon its members, to offer this statement. I do not intend —it would not be seemly—to attempt to reply to many of the observations which were made in the House of Commons, and I do not wish to widen the breach which some hon. gentlemen in the House appear so desirous of increasing between the two branches of Parliament. Indeed I would much rather prefer to throw oil on the troubled waters, and heal up any difference that may unfortunately exist. These differences, however, will continue to prevail until the other branch of the Legislature learns to respect the independence and privileges of this branch of Parliament and until it ceases these adverse criticisms which are evidently made not so much in the interests of the public as they are for the purpose of annoying individual members of this House and bringing this body generally into disfavor throughout the country. With these remarks I shall be happy to second the motion for the adoption of the Report which has been brought from the Committee, and I hope the House will concur in it.

HON. MR. ALEXANDER—When the hon. gentleman from Richmond addresses this House he always displays that ability, and parliamentary experience which must command the respect and esteem of all, and I am sure the chairman of the Committee and the House are greatly indebted to him for the able manner in which he has defended the Senate against the charges preferred in another quarter with regard to the large expenditure of this House. The hon. gentleman, with his usual good judgment, has seized a very proper occasion for referring to those charges and we must all agree with him that our officers are not overpaid. The Contingent Committee have been exceedingly careful with regard to all such expenditure. But the hon. gentleman from Richmond has, on this occasion, confined himself to the grave part of the subject, and has left to a humble member like myself the task of dealing with what is not grave — with that which is thoroughly ridiculous and truly farcical—every Session the proceedings of this Chamber end with a farce. A certain expenditure has been incurred which has not been referred to in the report of the Committee, but which should be referred to here. It is not proper that I should be silent upon the subject, because I have always discharged my duty—though I bring upon myself a certain amount of odium by so doing—and, so long as I am in this House, if I find things done which are wrong I will fearlessly refer to them, and I trust that I shall always have the courage to follow that course. Now a bill has been referred to the Committee by a merchant in this place, for $1100, for glass, and $450 for crockery, and I believe that this merchant has said if the Senate will pay the bill that he will deduct, I think, about $200 which would still leave an amount of between $1,200 and $1,300 to be paid. And I ask, what is it for? For glass and crockery! While the committee have done their duty faithfully, how is it that they have allowed to be forced upon this House an account which must expose us to the ridicule of the whole country? When some inquiries were made of the committee, the only solution or answer which was given me was, that the expenditure had been made chiefly for celery glasses, and we all know what that means. I am sure my hon. friend behind me, (Mr. Flint), would say that, if such was the case we should repudiate the account, and refuse to pay for them.

HON. MR. FLINT—Yes, but you would not.

HON. MR. ALEXANDER—These celery or liquor glasses are expensive—must have been imported from the Department of Marne, in France, the chief cities of which are Rheims and Epernay. I protested against this expenditure and recommended that the committee should not pay it. I do not believe in the public money being so thrown away to have a most undue influence. I was at the Queen's Hotel in Toronto a short time ago when I observed three gentlemen sitting at an adjoining table, who appeared to be men of wealth,

and who had certain bottles of wine before them, when a colored waiter came up to me and putting his hand upon my arm respectfully directed my attention to that table, saying "those poor men, Mr. Alexander, are destroying their souls and bodies."

HON. MR. PLUMB—Where is the point?

HON. MR. ALEXANDER—The point is that public money thus spent, to the injury of members, and with a view of influencing them cannot be justified to Parliament, and to the people of this country. Such social influences should be discontinued as calculated to destroy the independence of the House.

HON. MR. PLUMB—No, I suppose we should have bread and cheese.

HON. MR. ALEXANDER—The hon. gentleman from Niagara would never approve of this.

HON. MR. PLUMB—Do not speak for me—speak for yourself.

HON. MR. SKEAD—I have had some twenty years experience alongside the hon. gentleman from Woodstock, and I would like him to inform the House when he obtained his new light, and changed his views. I remember the time when the hon. gentleman used to boast to me of the wines he imported.

HON. MR. ALEXANDER—I have nothing more to say, further than that I think a great mistake has been made in paying this account; it is my opinion that the House should have repudiated the Bill, and allowed the glasses and various other things to be returned to the man who supplied them, unless they were paid for by the person who ordered them.

HON. MR. SCOTT—As a member of the Committee I cannot allow the observations of the hon. gentleman from Woodstock to pass without some comment. I may be considered a perfectly disinterested witness in this case, as I have only once in five years been in the restaurant of this Chamber, but I fully recognize that it is a convenience both to the Senators and the members of the House of Commons that there should be a restaurant connected with the Houses of Parliament. It is quite a usual thing in all countries and is not peculiar to Canada but is world-wide in its usage. It is also the custom, so far as my experience goes, that the convenience of members shall in some degree be consulted. On many occasions it is necessary for members to remain in session later than the ordinary hours at which they take refreshment, and they are therefore obliged to seek that refreshment within the building. It is the usual thing to have all necessary articles in the way of table-ware and so forth, in order that that refreshment may be properly served, and the members pay for them. I understand that about a year ago an order was given for some furniture required in the restaurant. A mistake occurred—just such a mistake as might have happened in any hon. gentleman's family—by which that order was exceeded, contrary to the instructions issued by the gentleman who was authorized to give the order. The goods were received, and there was some hesitation about unpacking them, but finally they were unpacked and put on the shelves. The question then came up in the Committee whether, as the goods were in excess of what was necessary, they should pay for them or send them back. It was felt that the matter was not of sufficient importance to entirely repudiate the transaction, because a large proportion of the articles would really be needed. The merchant from whom they were ordered offered to take off, not $200, but 35 per cent. He had paid the duty on the invoice, which swelled the amount very considerably—say 30 or 35 per cent.—and he agreed also to make a reduction of his commission of ten or fifteen per cent.; making a total reduction of about 50 per cent. Under those circumstances the Committee thought that, the amount being so largely reduced, the proper course was to pay the Bill.

I think this is a very small matter for the hon. gentleman to have magnified so extremely, and that he has made no special point.

I am, as I have said, a perfectly disinterested witness because I do not use the restaurant, having been there only once in five years, but I recognize that it is a great

convenience to members who are away from their homes and quite according to custom, and I do not think there is any fault to be found in connection with it.

HON. MR. PLUMB—May I ask the hon. gentleman if the articles in question were not of the most ordinary kind and obtained at a moderate cost?

HON. MR. SCOTT—Yes, and I think that we not only got fair value for the money, but obtained the articles at a much lower cost than would otherwise have been possible.

HON. MR. PLUMB—Then there was no extravagance connected with the transaction whatever.

HON. MR. POWER—Before the question is put I wish to say two or three words. I wish to express my gratification that the hon. gentleman from Richmond has brought this matter before the House. I remember that when the discussion to which his speech has chiefly referred, took place in another place there were some hon. gentlemen who thought that the members of this House would not consult their dignity, and the dignity of the Senate, by undertaking to make any reply to the attack that was then made on this body. I did not agree with those gentlemen at that time, but there was some force in the view which they held, and I think the hon. gentleman has adopted the best course, in dealing with this subject, in connection with the report of our Contingent Committee, when it properly comes before the House. He has established in the clearest way, that the House, and his honor the Speaker, and the Contingent Committee are not open to the charges of gross extravagance which were made in the other House. Every hon. gentleman must agree with me in feeling that the hon. member from Richmond is to be congratulated on the speech which he has made.

With regard to the discussion which took place in the House of Commons, I was not present there, and was not aware that the question was coming up. I think that perhaps a good many of the statements made there, were made without sufficient information and deliberation. Some of the gentlemen who spoke were great personal friends of my own, and I feel quite confident that when they see, as I presume they will before the next session of Parliament, that they were in error, they will be happy to acknowledge the fact that they were thus mistaken. I may further add, as regards the party with which I am connected, that the House will have observed that the leader of the party took no share whatever in the debate.

HON. MR. PLUMB—When they take back what they have said, we will be very happy to know it.

The motion was agreed to.

CONSOLIDATED RAILWAY ACT, 1879, AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (127), "An Act further to amend the Consolidated Railway Act of 1879, and to declare certain lines of railway to be works for the general advantage of Canada."

He said: This Bill, to amend the Consolidated Railway Act of 1879, after making one or two amendments which are not of much consequence, being merely verbal, proceeds to enact that a larger quantity of land may be hereafter taken for railway purposes than it has been possible to take in the past. The quantity which may be taken for station purposes has been enlarged from 250 yards in length by 100 in breadth to 650 yards in length by 150 in breadth, whilst in town and city stations, depots or terminal stations, or for protection against snow drifts, a still larger quantity may be acquired.

Then, again, the language as regards "working expenditure" is altered. In the clause dealing with that my hon. friend from Prince Edward Island will find the phrase to which I alluded the other day: and the working expenditure is made to include

"All rent charges or interest on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for; and also all expenses of or incidental to working the railway, and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accidents or losses; also all salaries and wages

of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors' fees, agency, legal and other like expenses; and generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue, as distinguished from capital account."

All those items are included in the working expenditure. It is quite proper that "compensation for accidents or losses" should be so included, taking a precedent from other railways. We find that phrase used by a private railway corporation, and included by them amongst the other expenditures.

The next clause is altered in this way; whereas it formerly applied only to crossings of railways, it now applies to every portion of the railway. As the provision formerly was the act only referred to that part of the railway which was just at the crossing. I will read the language of the original act, from which it will be seen that the change merely consists of a word or two and seems to be unimportant, but it is really very important and will enable the Government to deal with many flagrant cases of wrong-doing where at present it is almost impossible to apply any remedy, and where a railway and an ordinary wagon road run side by side for some distance, and there are no means of compelling the railway to take such precautions as are necessary in the interests of those who are using the public highway. The alteration in the 49th section is somewhat of the same character.

Then the new Bill proposes also to enforce the provisions of the previous Act by enacting that every railway company shall be liable to a penalty not exceeding $50 per day for default. We know that some of the provisions of the Consolidated Railway Clauses Act, some very important ones, have not been enforced in the past. One very important one has been mentioned by the hon. gentleman from Quinte.

Then comes the most important clause in the Bill. It is to bring under the control of the Dominion Government certain lines of railway which are now provincial roads. The object is to enable Parliament to take the same control over them as they now have over railways originally constructed under charters granted by this Parliament, not that the Government wish to arrogate to themselves any power over those railways more than they desire to enforce those laws applicable to Dominion roads with regard to the safety of human life. I believe that a feeling exists in certain quarters that the object of this clause is to deprive the Local Legislatures in some way of the opportunity of taxing local railways. It is an unfounded belief, and the fact that the Dominion Government take control of them for the protection of life, will not interfere in any way with the right of the Local Legislatures to do as they may think proper in regard to the other point.

Then there is a provision which requires the collection of railway statistics, which is very valuable. There is also a provision about costs, which does not seem to me to alter the existing law.

Then there is a provision about fences that I will not detain the House by referring to now as I propose to move some amendments to it in Committee. It was considered in the Commons in a hurried manner, and really those who proposed the provision and those who assented to it do not seem to have conveyed the meaning they intended to express, and the clauses as they have them in the Bill are imperative, and they have all agreed to certain amendments which I will propose in Committee, which will have the reasonable effect of requiring fences to be constructed by railways where that duty falls fairly upon the railways, and will not go beyond that. As the law is at present it makes railway companies liable under circumstances which, the House of Commons think, they ought not to be held liable. Then there is a clause to provide that certain sections shall not come into operation until the railways shall have had ample notice of them—one year's notice I think.

HON. MR. READ—Part of this Bill is, I think, in the right direction, but I was rather surprised to hear that there were to be some amendments made to it, as I supposed that the Bill as it is now before us was the Bill we were to consider. The Bill is a good one as far as it goes, but it does not go far enough. I think there should have been better provision made for the safety of human life, especially for the safety of railway employes. It is the duty of Parliament to protect those who cannot protect themselves and I think this

Bill is remiss in that direction. I have for many years taken an interest in this question, and in 1879 when this Consolidated Railway Clauses Act was before Parliament, a clause was inserted on my suggestion regarding overhead bridges. I had been urging it for some time as I had observed from newspaper paragraphs and from my own experience that numbers of brakesmen were killed every year by overhead bridges. That clause was resisted strongly at the time by the railway companies, although, to my surprise it was subsequently shown that it did not apply to the Grand Trunk Railway, the Great Western Railway or the Northern Railway. In 1881, the Railway Act was amended again, and I succeeded in introducing a few words into the clause that to my mind brought all railways under its operation. The words were that this clause shall apply to all railways under the control of Parliament. That clause, however, is a dead letter : the railway companies take no notice of it, and they do just as they please. The Consolidated Railway Act did not apply to these roads until 1881, and to show how indifferent the railway authorities are to the Act of Parliament, I will refer hon. gentlemen to a despatch from St Thomas, dated May 15th, which gives a detailed account of the killing of a brakesman by the overhead bridge at Hagarsville. The despatch announces that this is the third death occasioned within a year at this bridge. I have cut out several other paragraphs from the newspapers announcing the death of other men in different parts of the country in the same way, all of which show that the railway companies care very little about Acts of Parliament. A man must live a long time and have a long purse to succeed in an action against a railway company.

Then there is the question of frogs on the railway tracks; they are very dangerous. I met a railway man to-day who said he had been 30 years manager of a railway, and in speaking to him about the danger of frogs I suggested to him the advisability of compelling the railway employes to wear shoes. If an employe got his foot caught in a frog, if he had a shoe on it would pull off. He said he had never thought of that.

I would suggest to the Minister of Justice that the time has arrived when there should be a railroad inspector appointed, whose duty it would be to inspect the roads and investigate into the cause of accidents, to ascertain where the fault was, and if it lay with the Companies to prosecute them. We remember when Sir Henry Tyler was knighted it was for the benefit he conferred on the country as railway inspector. We legislate to save life in the mine and in hundreds of other ways. A factory Bill was to have been brought before us this session to guard the health and the lives of persons employed in factories, and we legislate in many directions towards protecting those who cannot protect themselves. In British Columbia there is a law to prohibit any person from working with certain kinds of machinery unless he can speak English, for fear of accidents I hope the leader of the Government will take into consideration the propriety of appointing an inspector to see that railways are kept in proper order, and that he will act the part of a public prosecutor in case of accidents through negligence.

HON. MR. DEBOUCHERVILLE—I cannot allow this Bill to pass its second reading without expressing the objections which I have to one of its clauses, which to me seems to be one of its principal provisions, declaring, as it does, certain railways to be works for the general advantage of Canada. This clause declares the North Shore Railway to be a federal work. I am afraid that this is interfering with the rights of the Province of Quebec; that by this clause the arrangement made between the Grand Trunk Railway Company and the company that purchased the North Shore road, will be strengthened. I do not expect to be able to defeat the Bill, and I would ask at all events that it be declared passed on a division.

HON. SIR ALEX. CAMPBELL—I shall take care to bring before the notice of the Minister of Railways the views of my hon. friend from Belleville with respect of the appointment of an inspector of railways.

HON. MR. SCOTT—There are some objections to which I beg to call the attention of the House, with regard to this Bill, but I may do so at a more convenient

period when the House is in Committee. There is one point to which I would call attention now, and that is the very sweeping clause, No. 6, which not only gives to the control of the Federal Parliament the railways named therein, but also all branch lines or railways connecting with or crossing them. It not only names the railways set forth specifically in the clause, but goes on to say that each and every branch line or railway now or hereafter connecting with or crossing the said lines of railway or any one of them is a work for the general advantage of Canada. It seems to me that the effect of that will be to cause the Local Legislatures to hesitate about aiding lines that would otherwise be valuable feeders, if they are to have no jurisdiction over them. I know that some of the roads mentioned here—the Canada Southern and the Credit Valley railways ought to have remained creatures of the Local Legislature. It was owing to the assistance given to them by the municipalities in Ontario that these roads have any existence. They at that time bound themselves to certain conditions, not to make freight rates to the disadvantage of the localities through which they passed. They were to be substantially local roads, largely subsidized by the sections of the country through which they run, and now they are violently taken away from the control of the Local Legislature and brought under the control and jurisdiction of the Parliament of Canada. But we are going further than that and we are declaring that all branch lines, now or hereafter connecting with or crossing these railways, shall come under the jurisdiction of the Parliament of Canada, and it can scarcely be expected, once they have passed from the control of the Local Legislature, that they can look for any assistance from that quarter.

HON. MR. HAYTHORNE—The hon. gentleman from Belleville has referred to the loss of life occasioned by overhead bridges, but I think there are as many accidents occurring on level crossings. On the Prince Edward Island Railway, for instance, I have known many lives to have been jeopardized, and horses to have been destroyed on level crossings. A case occurred near Charlottetown a little over a year ago, and after a long and expensive investigation the Government came to the conclusion, through their officers, to grant no compensation to the owner of those horses, although they were killed by a train that was far out of its time. That crossing is dangerously situated. It is near the station and on one of the principal roads affording access to Charlottetown, and it is constantly thronged with horses and carriages, early and late. The trains cannot be seen approaching from the North—the view is excluded entirely by buildings, and from the South, coming up form the station, a glimpse of them can only be obtained occasionally. This is owing to the road passing through a hollow way, and the whole difficulty could be obviated by the construction of an overhead bridge. I am not very sure whether the attention of the Government has been frequently called to this subject or not, but it is one which might very properly occupy their attention, because the safety of passengers and of the train hands would be ensured by the outlay of a couple of hundred dollars in an overhead bridge at that place. The unfortunate man who lost his horses there has gone to Manitoba. I was informed that an offer was made to him which was exceedingly illiberal; it was that if he would undertake to bear the expenses of an arbitration, in which a whole board of arbitrators would be employed, they would investigate his claim. Of course he declined the proposition.

HON. SIR ALEX. CAMPBELL—I suppose that has been before the Minister of Railways?

HON. MR. HAYTHORNE—It has.

HON. MR. DEVER—This is a difficult question to deal with. There are so many crossings that it would be impossible to protect the public in all cases. I observe by the papers that a fatal accident recently occurred at a crossing near St. John, with which I am familiar. A team became frightened at the place and instead of crossing, ran along the track. This lamentable accident could not have been prevented by the Government; I think they have taken every necessary precaution for the protection of life at that crossing. In case of destruction of life or property through the negligence of the railway officials, I believe the Government should be held responsi-

ble. Accidents will occur on the best regulated roads, and cases of the kind I have mentioned are misfortunes which no care or precaution can prevent. It is impossible to place barriers at some crossings such as those on public streets where they would obstruct traffic: in such places a great deal must depend upon the care which people themselves take to avoid accidents.

HON. MR. PLUMB—I can understand the feeling which was exhibited by my hon. friend on the other side of the House in regard to this supposed interference with provincial rights. I have looked at the Bill very carefully, and have endeavored to examine it without prejudice, and it strikes me that the great consideration is this—that the railway system ought to be, as far as possible, under single general control. The safety of life should override all other considerations. More of us travel on railways than have anything to do with questions concerning their management. We want to know that they are carefully and efficiently managed, and I have never considered it desirable so to stimulate and encourage competing lines as to weaken the ability of railway companies to manage their business with safety to the public. It would be much better to have a road (even though there were some objections to it as a monopoly) in good order, with trains running regularly and carrying passenger safely and cheaply, as the greatest monopoly in the United States does—the New York Central, which charges two cents a mile.

HON. MR. POWER—That road has no monopoly.

HON. MR. PLUMB—No doubt the employment of commissioners, as suggested by the hon. member from Belleville, would be altogether impracticable, unless the railways were entirely under one control. This may be a step in that direction. There can be no doubt it is eminently desirable that the lines should be, as far as possible, under one general control. Nothing can be more disastrous than to have two sets of laws on this subject. Up to this time no great accident has resulted from that cause, but I can easily understand how some dreadful disaster might occur from having two sets of regulations.

These are the general principles which should govern in the discussion of this Bill; the other matters with regard to the details are grievances, no doubt, but this is a measure which should be dealt with in a broad and liberal spirit and minor objections should be set aside in the discussions. It may be true that taking the control of these lines from the Provinces may injure the schemes of those who desire to get bonuses from the local authorities. I have not much faith in the log-rolling system by which bonuses are generally obtained from the Provinces, and if there is any small check upon that, I do not think it will do any harm to the public interest.

The motion was agreed to, and the Bill was read the second time on a division, and referred to Committee of the whole House.

In the Committee.

On the Sixth Clause

HON. SIR ALEX. CAMPBELL said he did not see any occasion for jealousy as regards the rights of the Provinces. The Dominion Government would derive no benefit from taking charge of those railways. It was rather a burden than a benefit, and the Provinces would be relieved *pro tanto*. It was essential to guard against the dangers which existed, and that was why it was desirable that the control should be in the hands of one power.

As to the objection taken by the hon. member from Ottawa with regard to railways crossing each other, there might be some fault found as to vagueness, and he partly concurred in that view. It would be better to give the right and duty of attending to those matters, so far as regarded the safety of life and property, to the general Government rather than run the risk of accidents afterwards.

The vagueness of it was compensated for in this way, that new roads were opened up from time to time, and it was desirable that the powers of the general Government to insure the safety of life should be cotemporary with the creation of the railways, and that the rights and duties of the inspector, if one should be appointed, should keep pace with the railways, however rapidly they were constructed; he thought it was safe enough. He would regret very

much to pursue the matter further than was reasonable, but he had several conversations with the Chief Engineer of the Government Railways on the subject, who was very earnest in his views that the best way to insure proper protection of life and property was by grouping together all those lines of railways, in that way, and giving Parliament the right to take those steps which were necessary for the protection of life and property.

HON. MR. SCOTT—The hon. gentleman is assuming that the Local Legistures are indifferent about taking the necessary precautions.

HON. SIR ALEX. CAMPBELL.—I do not wish to be understood as assuming that.

HON. MR. SCOTT—But the hon. gentleman is assuming that no supervision exists in regard to the local railways. As far as Ontario is concerned, the Local Legislature has time and again appointed a committee on this very question as to the best way of avoiding accidents.

HON. SIR ALEX. CAMPBELL said he did not like even to seem to occupy the position in which the hon. gentleman placed him. What he meant to say was that the matter would be more thoroughly attended to by the general Parliament.

H.ON. MR. SCOTT—Can it be? Does the Federal Government exercise a greater supervision than the Local Government? The influence of railways is greater with the Federal than with the Local authorities, and the Local Legislatures are much more anxious and careful to protect the lives of the people from danger and accident. On the very question of frogs the Ontario Legislature for two sessions had a committee sitting at Toronto who summoned railway men from all parts of the country to come before them, which fact proves their desire to take measures to prevent accidents from that cause. What he would like to be felt in giving that power to the Federal Government was that they should not hesitate to adopt every precaution necessary for the protection of human life. The subject of bridge crossings was one on which he felt as strongly as his hon. friend from Belleville He felt that there ought to be some assurance on the part of the General Government that they would adopt every possible precaution to avoid accidents of that kind.

HON. MR. POWER thought that the clause was open to a very serious objection, as had been shown by the hon. gentleman from Ottawa. That hon. gentleman had said very properly that the Bill proceeded on the supposition that there would be better supervision of the railways by the Dominion Government than by the Local Governments, and had denied that, so far as the Province of Ontario was concerned. He (Mr. Power) could say, as regards Nova Scotia, that they had there an Act which was almost a literal transcript of the Consolidated Railway Act of 1879.

There was another feature of the Bill which was worthy of attention viz., that it was one more of a series designed by the Government, in the way of assuming all those powers which have heretofore been supposed to be vested in the Local Legislatures. The British North America Act in the sub-section which referred to the works which should come under the control of the General Government, and those which should remain subject to the authority of the Local Legislatures, stated that among the works to be controlled by the General Government, were "such works as although wholly situated within a province are declared to be for the general benefit of Canada." Now he did not think that it was intended by that clause to empower the Government of the Dominion to assume any local line whatever. The reasonable construction was that in the case of roads like the Canada Southern or the Credit Valley, which were really parts of main lines extending beyond the Provinces, the Dominion Government might assume them, althought they lay wholly within a Province, but it was never contemplated by the framers of the Act that any purely local road might be assumed under that clause by the Dominion Government without the consent of the Local Legislature. The hon. gentleman from Ottawa had called attention to what might be a very serious result from such a course of action. It had been the practice in Ontario, Quebec and other Provinces to subsidize railways out of the local treasuries, but if Parliament took over those roads it could not be expected that such subsi-

dies would be granted in future when they were to be expended under the control of the Dominion Government. To say that all the roads which have been completed by the aid of subsidies from the provincial legislatures should be taken from the provinces, and put under the control of the Dominion, was a very unreasonable proposition. He had no doubt that the Bill would cause a great deal of dissatisfaction among the various provinces. He would therefore move to strike out in the 7th line of the 4th page the words "not only," and at the 13th line all the words after "Canadian Pacific Railway," down to "them" at the beginning of the 15th line, and all the words in the first sub-section after "Canada," in the 27th line.

The motion was lost on a division.

HON. SIR ALEX. CAMPBELL said he would ask the sanction of the committee to the introduction of the following words at the end of the clauses:—"The railway companies, by this Act, brought within the legislative authority of Parliament, shall have one year from the passing hereof within which to comply with the provisions of sub-section 15 of the Consolidated Railway Act of 1879, as amended by section three of the Act of 1881."

The motion was agreed to, and the clause as amended, was adopted.

On the 9th section.

HON. SIR ALEX CAMPBELL explained that the intention was to repeal certain existing provisions which gentlemen thoroughly familiar with the matter, considered to be unworkable. The new provisions which it was proposed to enact would apply equally to railways which are now, or may hereafter be constructed, but they required that notice should be given to the companies before they became liable. Such a provision was only reasonable and fair to companies whose lines may run through a large extent of wild lands, such as exist in the far-western country, and therefore, unless notice was given to the company three months prior to the occurrence of an accident, it should not be held liable.

HON. MR. READ considered that no such notice should be required of farmers, who in many cases would not know how, or upon whom to serve such notice, and would therefore be obliged to employ a lawyer for that purpose. Grievous delay and ultimate failure to secure compensation often resulted from instituting suits against railway corporations for damages sustained to the cattle etc., as was recently instanced in a case tried at Pembroke; one excuse after the other was made by the company for not appearing, and finally the plea was set up that notice had not been given them of the necessity for fencing their road, and the farmer failed in his suit. It was a wrong principle to impose upon settlers, the necessity of giving such notice, and the proper plan would be to have no such provision as was now suggested, but if the companies did not choose to erect proper fences, they should pay for any damage resulting from their carelessness.

HON. SIR ALEX. CAMPBELL said that when both parties in the other House had agreed to accept this amendment, it might be fairly considered as representing what was called for. He moved that the paragraph do stand as part of the Bill.

HON. MR. FLINT considered that the objections of his hon. friend from Belleville were in the right direction. He could not see how it was possible for farmers along a line of railway to know when a portion of their fence was down. Trains were passing almost every hour of the d y, and the trollies used by the construction men, and they could attend to it far bietter than the farmers. A farmer, who resided on the front part of his farm, might not visit the rear of his lot where the railway passed, once in a week.

HON. SIR ALEX. CAMPBELL said that the clause did not apply to cases where the fences had been burnt down.

HON. MR. FLINT did not see why a farmer should be obliged to notify the railway company that the fence was down; the company should be obliged to keep the fence in repair without notice.

HON. MR. SCOTT said in Ontario the railway companies were obliged to build

and maintain the fences along the track; the Ontario Government would not pay its subsidy unless the road was fenced. Under this clause if a few panels of a fence were blown or broken down, and an accident occurred through it, the Company could avail themselves of the plea that they had never been notified by the farmer to put up the fence.

HON. MR. POWER did not think reason had been shown to the Committee for putting in this requirement of notice. The farmers along the line of railway were not likely to think of the necessity of giving notice, and it would pre-suppose their familiarity with the clauses of the Consolidated Railway Act. In his opinion the railway companies, who received many privileges, and who paid, as a general rule, very little for the right of way, should be compelled to keep up their fences, whether notified to do so or not.

HON. SIR ALEX. CAMPBELL suggested an amendment to the clause to provide that it should not apply to cases of fences once constructed and which had been destroyed by accident.

The amendment was agreed to on a division.

The Senate adjourned at Six p. m.

SECOND SITTING.

THE SPEAKER took the chair at 8 p. m.

MANUFACTURE OF PIG IRON BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (131) "An Act to encourage the manufacture of Pig Iron in Canada from Canadian ore."

HON. MR. FLINT—I am glad to know that the Government have come to the conclusion to foster an industry which is much needed in this country. There is no reason why we should import our iron when we have such extensive and valuable deposits of ore in Canada. Very little can be done in any industry without iron, and when we take into consideration the vast amount of it which is imported into the Dominion we should make an effort to manufacture the iron and steel that we require from Canadian ores, and retain the money which is spent for it in this country. It would develope a new and important industry which would give employment to a number of people.

A few years ago I took up this question in the press, and showed plainly that with the duty on pig iron at that time, the duty on Canadian ores going to the United States, and the duty on coal imported into this country—taking everything into consideration, we should be able to work the rich ores of this country profitably. However, it was difficult to find anyone who would engage in the enterprise, and I had not the means to attempt it myself. I have endeavored to impress this view upon various persons from time to time, and consequently I am glad to find that the Government are moving in the right direction. I look upon this as one branch of the National Policy. I think this measure will have the effect of strengthning that policy and doing a vast amount of good to the Dominion. It will enable us to keep out the iron produced in other countries and build up a great industry in Canada.

It is well known that all through this vast Northern region we have deposits of iron ore of the best description—ores that yield 80 to 85 per cent. of pure iron. Why should not these be worked? It is true the manufacturers in the United States are taking them, but it is because they require our rich ores to mix with the inferior ores of their own country. They would not take the products of our mines if they could get anything to answer the same purpose nearer home. A few years ago the late lamented Sir William Logan informed me that our ores were richer than those of the mother country, and he expressed the belief that before many years the manufacturers in Great Britain would be using them to improve the quality of their iron.

I should like to refer now to a speech on the subject of iron which was made by the hon. member from Ottawa on the 8th of March last. He spoke on various items connected with the National Policy in answer to the hon. member from Niagara, and made the following statement:—

"We find that, in the tariff which was passed on Saturday night or Sunday morning when it is more fully and better understood, there is an item which I think will very seriously affect the section of country from which the hon. gentleman comes. They have put in their tariff, a duty of 70 cents on every ton of ore; that will kill the ore industry of the Trent Valley. A great deal of money has been expended on the iron mines of that district. They have built railways and gone to a considerable expense in establishing that industry, but the hon. gentleman opposite tells the United States, 'we will hit you wherever we can.'"

Now, the hon. gentleman was mistaken to a certain extent. I hold in my hand the statements of two prominent iron men, published, not in a Government organ, but in the Belleville *Ontario*, a Reform paper. The first is an interview with Mr. Coe, of Madoc, and is as follows:—

WHAT A NORTH HASTINGS MINER THINKS.

Mr. William Coe, of Madoc, was interviewed by our reporter this morning in reference to this matter, and was asked "What effect will the increase in the American tariff have upon the iron trade of North Hastings?"

"Well," said he, "it will have this effect. Our lower grade ores will not be handled at all, for the reason that the high tariff will make it impossible to operate such mines with any pecuniary advantage. But I don't think the shipment of the higher grades, or our most valuable ores, will be retarded any by the increase in the tariff from 62c to 75c per ton."

This is the view of a gentleman who is extensively engaged in the development of the iron mines in North Hastings and who is also very largely connected with a railway which is being built to that region. Surely he ought to have some idea whether the tariff would prove ruinous to his interests in that district. The interview with Mr. Wolle is given as follows:

"Mr. Lewis T. Wolle, a representative of the Bethlehem Iron Company of Pennsylvania, was in the city to-day, (Saturday), and thinking he might be able to furnish something of interest for the readers of the *Ontario*, a reporter halted him on Bridge Street and made the usual inquiry for news, which he complied with in his usual affable manner.

NEXT SEASON'S OPERATIONS.

"Do you propose shipping iron ore very extensively from here next season?" asked the scribe.

"We'll not do much mining," he said. "There are about 3,000 tons of hematite ore out now, which we shall ship to Belleville and from here to our works in Pennsylvania, via Fair Haven, as soon as navigation opens. If the Ontario Central Railroad can get into the Dufferin Mine, we will get out about 4,000 tons, and ship it over their road to Pennsylvania and Johnston."

"How will this increase in the American tariff on ores coming in from Canada affect you?"

"Not at all. It will have a tendency to crush out small concerns in the States, but you see the increase is only 10 per cent., so that it will not injure us a very great deal beyond cutting the profits a little."

Now, these are the views of two prominent men engaged in the iron trade of that part of the country, and I can assure the House that within a few days Mr. Coe has succeeded in forming an iron company with a capital of $750,000, and, as I believe, has got a charter from the Government for the purpose of carrying on that trade. Since that, he has bought a large hematite mine at Madoc. It is clear, therefore, that the hon. gentleman was mistaken when he thought it was going to destroy that trade; at all events, so far as North Hastings is concerned. I have also learned on good authority, that another company has been formed and has already purchased several iron mines in that back region. It shows that people are not afraid to embark in these enterprises, notwithstanding the increased duty in the United States.

In the same speech to which I have already referred, the hon. member from Niagara, remarked:—

"Has not the National Policy been a stumbling block in the way of the industries which help to swell our trade?

HON. MR. PLUMB—No.

HON. MR. SCOTT—The hon. gentleman says "No:" I tell him he is wrong. I say the lumber trade has been oppressed by the National Policy. Every piece of woollen cloth which the lumberman buys is taxed.

HON. MR. FLINT—No.

HON. MR. SCOTT—Does the hon. gentleman tell me there has been no increase in the prices of woollen and cotton goods in this country?

HON. MR. FLINT—No

HON. MR. SCOTT—Then I have not read the tariff right."

I was sincere in saying at that time that there was no increase in the price of cottons and wollens in this country, and I am prepared to prove what I

said by facts which cannot be gainsaid. When I went to Belleville I called at a retail store and heard a lady from the country pricing cottons, and I obtained from the merchant the three samples of factory cotton which I now hold in my hand. The retail prices for such goods are, 8c., 9c. and 10c. per yard. These three qualities will compare favorably with any I have seen in former years, and when I tell the House that I have been for 67 years engaged in buying and selling cotton goods, they will admit that I ought to know a little more on the subject than a gentleman who never bought or sold a piece of cotton in his life. I have given the retail prices in Belleville, and the House can judge whether the poor farmer suffers severely from taxation when he can, with one dozen of eggs buy enough cotton to make him a shirt.

The hon. member from Ottawa sympathized with the poor lumberman. Now, I can show, if necessary, that the lumberman does not pay more for his woollen goods now than he did before. I have been engaged in the lumber trade for years, and I have bought as cheap clothes and blankets made in this country—in fact, cheaper than I ever bought before the National Policy was adopted, so that the lumberman is not burdened with taxation on his woolen goods. I notice that one company is reported to have made last year $300,000 clear profit on their lumber. That being the case, they certainly do not need the hon. gentleman's sympathy.

HON. MR. PLUMB—They are not badly oppressed.

HON. MR. FLINT—The hon. gentleman from Ottawa remarked :—

> "The exports of lumber are due, not to the labors of the lumberman in the country; but to the demand in Europe and the *United States*. That is the cause of the increase of the export from seventeen to twenty-seven millions of dollars. That increase is due to causes utterly beyond the control of the Parliament of Canada. It is perfectly childish to maintain the contrary. The value of those goods arises from the demand.

Now as far as that goes the laborers in this country are as much entitled to credit for getting out that lumber as the United States and Great Britain are for buying it. Where is there a person engaged in business who does not know that the law of supply and demand is what regulates all markets, and consequently there being a demand for timber it caused an extra exertion on the part of the lumbermen to get it out to supply that demand, and they have been well paid for doing so.

There was another subject which was brought up in the discussion and that was the barley question. I am not going so fully into that question as I might, but I felt it was necessary to look into the matter a little.

HON. MR. HAYTHORNE raised a point of order, that the hon. gentleman was departing from the subject properly before the House.

THE SPEAKER—It is true that the question before the House is that of bounties on pig iron ; but, as great latitude is allowed in debate, and the hon. gentleman from Trent is one who rarely transgresses any rule of the House, I am sure hon. gentleman will grant him a little forbearance.

HON. MR. FLINT—I do not often trespass on the time of the House and I shall endeavor to make my remarks as brief as possible.

HON. MR. HAYTHORNE—I shall be delighted to hear the hon. gentleman upon another occasion, but it is well known that the House has a very heavy evening's work before it and time is of the utmost value.

HON. MR. FLINT—The hon. gentleman from Ottawa stated that 20 cents a bushel on malt barley was more than 20 per cent. I have examined the matter fully, and after taking the average of prices for 12 years I have come to the conclusion that the hon. gentleman is wrong. I think that 20 cents on the bushel on the whole has been rather favorable to the maltster than otherwise, notwithstanding the fact that the maltster wishes to obtain from the Government a bounty for malt exported to the United States. I telegraphed to a large firm in Oswego and he says that malt sells on the average there for 15 cents per bushel more than barley. If we put the price of malt at 15 cents per bushel higher than barley the malt will stand as follows :—

For 1880 $1.06 per bushel.
For 1881 $1.26 per bushel.
For 1882 $1.16 per bushel.

Which shows that during these three years 20 per cent would be higher by 10 per cent. than 20 cents per bushel. If you add the price of 1879, then 20 cents per bushel would be a trifle more than 20 per cent. but the difference on the four years including 1879 would be 10 per cent. per bushel in favor of 20 cents per bushel duty. But to go further back and take the average for the last 12 years, the aggregate of shipments from Canada was 5,283,370 bushels valued at $4,116,258, at the port of shipment, or an average value of about 79 and two-third cents per bushel. Add to this the duty 15 cents and freight, &c., eight cents would make the average for the 12 years one dollar and two and two-third cents. Add to this 15 cents for malt, it would be one dollar and seventeen and two-third cents per bushel, showing conclusively that there would have been about three and a half cents gained on a duty of 20 cents per bushel on malt over 20 per cent. duty.

There has been a great deal said about wheat and grinding in bond, and the duty on flour. It was stated that to put a duty of 15 cents on wheat and only 50 cents on flour would be ruinous to the millers, as it would leave a margin of 17½ cents per barrel against the miller and in favor of American flour. To prove that this is not the case I take 4½ bushels of wheat, or 270 pounds, and I allow for waste four pounds, for bran 45 pounds and for shorts nine pounds, in all 58 pounds, which, deducted from 270, leaves 212 pounds of flour. Allowing 196 pounds to the barrel, it would leave 16 pounds of flour over, which would leave his profit as follows :—

16 lbs. flour at 2½ cents		40 cts.
54 lbs. bran and shorts at 60 cents per 100 lbs		32
		72
Cost of barrel	25 cts.	
Duty on flour	17½ cts.	
		42½
Profit		29½

I consider that 29 and a-half cents is a very good profit on grinding four bushels and a-half of wheat where a mill has plenty to grind. The hon. gentleman says it requires four and a-half bushels of wheat to make a barrel of flour. I say it does not. I am a miller and I have bought and ground immense quantities of wheat and I tell the hon. gentleman that if he gives me four and a-half bushels of first-class wheat, with the machinery I had, I can make 49½ pounds of flour to the bushel and that is what is done in Oswego and in other places where they have the appliances for doing it, so that it shows that the difference between 15 cents a bushel duty on wheat and 50 cents per barrel duty on flour is in favor of our millers. I do not wish to detain the House any further at present, but should Providence permit me to return to this place another session, and the opportunity should offer (for this is the first opportunity that has offered since the hon. gentleman from Niagara made his maiden speech in this House, and the hon gentleman from Ottawa replied to him), I shall go further into this question in relation to the National Policy. I say it is the salvation of the country and those gentlemen who fight against it may fight until they die and they will not alter it—the people will not alter it for them. You cannot make the farmers believe that it is an injury to them, because it brings in various industries, those industries are bringing in workmen and the workmen require everything that the farmer can produce. A good sized turkey in the town of Belleville to-day can buy for the farmer a barrel of salt. I recollect when I first went to Belleville that it took $6 to buy a barrel of salt and the farmer got only 50 cents a bushel for his wheat. I think the hon. gentleman from Ottawa has no desire to state what is not correct in reference to this matter, but I think he is not properly informed on the subject. I have no hard feelings against that hon. gentleman, and I only hope that I shall live to see the day when he will say with me that the National Policy has been the salvation of the country.

HON. MR. POWER—I have listened with a great deal of pleasure to what has fallen from the hon. gentleman from the Trent division. I do not propose to reply to his remarks at present, because I think what he said would have been more appropriately said in connection with the Bill to amend the tariff, than on this Bill to provide for bounties on pig iron. I venture to trespass on the time of the

House in connection with this Bill because it is the opening in Parliament of a new phase of the protection system. It is the first measure we have had to grant bounties for manufactures. It is true that last year provision was made for bounties to fishermen in certain cases, but it was declared that that bounty was intended as a sort of compensation to the fishermen of the Maritime Provinces for the loss of their share of the fishery award which they would have had if they had not been brought into the Confederation. This Bill is of a totally different character; it means protection and nothing else. When the tariff was introduced in 1879 a great many gentlemen who supported it, held that it was intended for the purposes of revenue and incidental protection; but that cannot be urged in respect to this Bill, which provides for a bounty of $1.50 on every ton of pig iron manufactured from Canadian ore between the 1st day of July, 1883, and the 30th day of June, 1886, and for a bounty of $1 per ton on pig iron so manufactured between the 1st of July, 1886, and the 30th June, 1889; because a bounty does not add to the revenue, but takes away from it, and bounties have always been regarded as the most extreme, and—in the eyes of those not friendly to a protective policy—the worst form of protection. The bounty system directly takes from one man to give to another. You take the taxes from the earnings of one class of the community, or several classes of the community, and pay them out as a bonnty to assist in carrying on the business of another portion of the community—it is literally robbing Peter to pay Paul. It seems to me that there should be somes good reason given why a man who extract iron from a mine and smelts it for his own advant ageshould be entitled to a bounty any more than a man who plants potatoes and digs them out of the ground, or a man who sows wheat and reaps and threshes it for the market. To my mind the man who plants potatoes and sows wheat is more entitled to a bounty than the man who makes the pig iron, because he has put the seed into the ground, while the other man takes out of the ground that which he has never put into it. There is another circumstance in favor of the farmer and against the iron miner, and that is, as a general thing the man who plants potatoes and sows grain is a comparatively poor man, while the man who mines iron is generally wealthy—the industry is carried on by wealthy corporations—and Parliament, as representing the people, should deal more generously with the poor man than it does with the rich man. But those gentlemen who support this measure, and the Government, who have introduced it, do not propose to guarantee that the farmer shall have a good crop, or that he shall be paid for his crop if it is not sufficient to remunerate him. They allow the farmer and lumberman to take their own risks; and it seems to me that the iron miner might very well be allowed to take his own risk in the same way as the other classes of whom I have spoken. Instead of that, this Bill proposes that all the farmers, lumbermen, fishermen, mechanics and all other classes of this community shall have a portion of their earnings set aside for the purpose of being paid over to the man who mines and smelts iron. To my mind it is an unnecessary Bill, and an unjust Bill, and I feel it my duty to record my vote against it.

HON. MR. MACINNES—(Hamilton) Of all the illogical arguments to which the House has listened from my hon. friend opposite, the one he has just delivered is the most extraordinary and the most illogical. He has told us that this question of bounty is the first inception of protection.

HON. MR. POWER—I beg the hon. gentleman's pardon—I said nothing of the sort; I said it was the first inception of the bounty system.

HON MR. MACINNES—I will appeal to the House if the hon. gentleman did not use the word "protection" in the sense I have mentioned.

HON. MR. POWER—If I did so, I did not mean it in the sense the hon. gentleman refers to.

HON. MR. MACINNES—The hon. gentleman says he did not mean it in that sense; I will take it back. Protection means the keeping out of goods of other countries from this market by means of a duty sufficiently large to pevent them from

coming into competition with our own. A bounty is not protection; it is in no sense a protection. A bounty means reducing the price of the article to the people who use it. If it was a duty it would add to the cost of the article. I happen to be acquainted with the industry against which the hon. gentleman's remarks are more particularly directed. That industry exists in his own province, Nova Scotia, and if the hon. gentleman will listen to me for a few minutes I will tell him something concerning it. That industry employs 1100 men; it uses 180,000 tons of coal per annum, and I would like to ask the hon. gentleman whether the employment of such a large number of operatives, and the production of so large a quantity of coal does not give to his province a considerable advantage.

HON. MR. POWER—They are doing it without a bounty.

HON. MR. MACINNES—They would not continue to do it very long. The effect of the National Policy against which the hon. gentleman's remarks are more especially directed, is simply this: it has given constant and continuous employment to the operatives in this country. Before the existence of the National Policy all the manufacturing industries throughout the Dominion, were in a very sickly condition, they were not able to run continuously the year round: consequently the operatives only got employment for a portion of the year. If operatives are to earn good wages they must be employed from one end of the year to the other. If ever there was a country under the sun which required protection it was Canada; lying, as it is, alongside of a powerful nation, south of us, possessing old and established industries. Before the adoption of the National Policy, it was their custom to direct their efforts towards killing off all rival industries established on this side of the line, and supplying us with articles of their own manufacture. It was not until the National Policy was adopted that we were enabled to manufacture for ourselves and keep out the manufactures of the great country to the south of us. Even now it is difficult to keep them out, not only has the National Policy conferred great advantages on this country in the way of providing continuous employment for our own people, and keeping them here instead of their being compelled to go abroad to seek employment, but we are now manufacturing goods of every description at lower prices than the people of this country have ever been supplied with before. The hon. gentleman from Halifax is not very logical in the conclusions which he generally arrives at. In his remarks yesterday, with reference to the bonus given for the construction of Railways for the purpose of opening up our back country, I could not clearly make out whether he was in favor of that policy or against it, but I would like to point out to him that were it not for the National Policy we would not be in the position to extend this aid to those Railways for the development of the new sections of our country. I cannot conceive anybody using such illogical arguments as the hon. gentleman is continually making in this House. I must certainly give him credit for great industry and for being exceedingly busy, not only in this House but in Committee; there is not a single point or clause that comes up for discussion but the hon. gentleman takes part in it, and therefore on that ground I must compliment him, but I cannot give him credit for logical treatment of the questions that come up for consideration before this House.

HON. MR. PLUMB—The hon. gentleman from Halifax seemed to think he had made a great point on this bounty question. He said it was a new departure in this country. I can tell the hon. gentleman this, that if he had studied the free-trade question in England; if he had studied the position that has been taken by the leader of the great free-trade party there he would have found that Mr. Gladstone, on being approached by a deputation in regard to the aggressiveness of the French sugar refiners towards the sugar manufactures of England, clearly enunciated the principle that it would not be against the doctrines of free trade to protect the sugar refiners of England by bounty if necessary. The Hon. gentleman will find that if he chooses to look for it, and I recommend it to him as a study, because I do not consider that either free trade or protection is gospel; I do not consider that either of them is mathe-

matical or absolutely binding upon anybody. We take all those matters, on the Conservative side as being subject to such changes as may be necessary for the best interests of the country. My hon. friend is hide-bound; he is fast; he is fettered; he is fixed, he cannot yield! We are willing to have protection on the sliding scale; we will take a tariff if it suits us, and we will lower it, or raise it, as it best suits the interests of the country; but my hon. friend and those who think with him cannot see anything except a free trade policy which we consider to have been a great disadvantage to this country, and under which our neighbors alongside of us could sell us everything from a melodian down to a jews-harp and we paid them back in our humble way with that which cost us most to produce, and not only paid them in that way but paid them from 25 to 30 per cent. on everything we sent to them and had a balance of $25,000,000 or $30,000,000 in gold to make up for them afterwards. If that is a state of things which the hon. gentleman thinks is desirable for the country he may continue to think so, but it is not what the Conservative party were satisfied with. We made up our minds that we would endeavor to win Canada back for the Canadians, and I think we have done it. I think the surplus and the results of the policy for four or five years have shown it. This Bill is the logical consequence of the policy that has been adopted by the party which I am proud to support; the policy which I believe has been twice adopted by the people after having been submitted to them fairly; issues that have never been shirked, have been brought forward and accepted by the people, and as such I think we are bound to respect them; but my hon. friend and those who think with him learn nothing and forget nothing.

HON. MR. DEVER—I am not a strongly pronounced protectionist by any means, but if there is anything that we should protect it is an enterprise of this kind. By this means we are developing the raw material now lying useless in the bowels of the earth and making it something of value to the country. I would say in reply to the hon. gentleman from Halifax who stated that this was the first bounty given to any industry in this country except the fisheries, that he is mistaken. Have we not given bounties for the construction of railways, for the establishment of lines of steamers, and other enterprises of that character that we consider necessary for the prosperity and developement of the country?

HON. MR. WARK—We have had the National Policy discussed very extensively in this debate and all subjects but the one before the House, which is the bounty on pig iron. The hon. gentleman who addressed the House at such length views it as one who is interested in the Trent Valley industries; but we in New Brunswick have interests quite as important as those of the Trent Valley. We have the shipping interests and our ships that have loaded with lumber for Liverpool have been in the habit of bringing back iron at a low rate of freight as ballast, rather than having to load up with stone or gravel. Now, what will be the effect of this policy? When one of those ships comes into port with a quantity of iron in ballast instead of stone or gravel, the owner of a ship will be told, "we cannot allow your iron to land, unless you pay $2 a ton on it;" and what are we going to do with the duty? We are going to take it up to the hon. gentlemen's iron mines and pay it to them as a bounty, and compel those ships to return on their next trip from Liverpool loaded with gravel. If you cannot employ these 1,100 men at the mines without getting their wages paid out of the revenue of the country, they had better go on to the prairies and cultivate the soil, where they can make better wages than they can in the iron mines of Nova Scotia.

HON. MR. TRUDEL—I desire to remind hon. gentlemen that this industry, though not a new one in this country, has not reached a great degree of developement up to the present time. While Canada possesses the richest iron deposits in the world there are very few countries that import iron so largely as we do. Then the question naturally arises "why should we send our money abroad to buy what we have in such great quantities at home?" I do not think that the comparison made by the hon. gentleman from Halifax or that made by the hon. gentleman from Fredericton is of much value,

for practically the question is not whether one industry or one class should receive special encouragement, but whether it is not in the interest of the country to foster such industries as have not yet been developed amongst us, and which for one reason or another require encouragement. We should develop all sources of wealth in our country. If there are some of those sources which require in the beginning special protection they ought to receive it. I would remind hon. gentlemen of this fact that the production of pig iron was one of the first industries encouraged in Canada, and that was under the French Government as far back as the 17th century. It is well known that there were celebrated deposits of iron on the St. Maurice which belonged to the crown, where immense sums of money were expended by the French Government to encourage the iron industry which was considered of the greatest importance. Before the beginning of the 18th century there was a time when those establishments were flourishing, at the St. Maurice, but since then they have been almost abandoned. This industry, which was the first that was encouraged by the Government. is the one that has been the least developed, because the encouragement that was given to it 200 years ago has been withdrawn. Very few years will elapse before we will have paid to other countries perhaps $100,000,000 for steel rails. Now, is it not in the interests of the country, when we have the raw material, the intelligence, the skill and the labor necessary to produce steel rails, that we should manufacture them at home, and give employment to our people, rather than send hundreds of millions of dollars out of the country to pay people to manufacture them abroad? It is well known that to establish smelting works, and rolling mills requires an immense amount of capital, and unless some special encouragement is given, I am afraid we will not succeed in developing that industry to such an extent as to make it self sustaining. I consider this measure an important one, and it shall have my hearty support.

HON. MR. DEVER—I wish to say one word in reply to the remarks of the hon. gentleman from Fredricton. I give him great credit for at all times endeavoring to promote the prosperity of New Brunswick. I am from the same Province, and our interests are identical. The hon. gentleman's arguments were to the same effect that the freight that would be lost on pig iron coming to this country would fall wholly upon the ship-owners of New Brunswick. I think that is an unfair way of putting it. The great proportion of the vessels coming to our ports with pig iron in ballast to load with lumber are not Canadian ships, but belong to all nations in the world, and why should we consider the interests of those foreign ship owners in a matter of this kind at the expense of our own people. In the production of iron we can have all the profit in our own country—the profit of mining the ore, the profit of smelting it, and the profit of manufacturing and handling it. Is not the benefit arising out of industries of this kind of much more advantage to the country than all the profit that a portion of our shipping can make in bringing in iron from other countries as ballast?

HON. MR. HAYTHORNE—I should feel that I was remiss in the performance of my duty if I did not make some remark on this question. I wish to say that when I rose and appealed to Mr. Speaker while my hon. friend from Trent was addressing the House, I did so with great reluctance, because I always listened to that gentleman with great respect and attention. If his arguments are not always such as to convince my mind, they have always been strong enough to convince himself, and they are delivered with a feeling of sincerity. I remember at one time when the hon. gentleman from Rideau was engaged in the iron business here in Ottawa, that he gave me some specimens of his ore from this district, and being myself interested in some iron industries in England, I transmitted the specimen of his ore and a specimen of his steel to some of my friends there. I received back a most favorable report on both the ore and the steel, and a request that I should make enquiries if that ore could be shipped from Montreal, and if so at what price. Experienced iron founders know that a proper mixture of iron ores is of great importance in the manufacture of iron, and these very manufacturers with whom I was in correspondence in England were in the habit of importing large quantities of ore from Australia for the purpose of mixing it with English ores.

Therefore the demand for Canadian ores in the United States is very easy of explanation. I myself would be rejoiced to see iron manufacturing spring up in Canada, provided it could do so without the assistance of a bounty, for I am opposed to the principle upon which bounties are given. I think the experience of older countries ought to teach us the futility of such a plan. I would, however, prefer the bounty to the protective system, for the simple reason that it is plainly to be seen, under that system. that the public money is taken out of the Treasury to support an interest which is supposed to be unable to support itself. That, however, I do not think is a judicious course to pursue, particularly after our policy in connection with the import duty on coal, which seems to me to have an effect the very opposite to that which was intended. Hon. gentlemen who may have taken some trouble to enquire into this question, I think must be aware that some of the best authorities upon political economy have condemned the bounty system, and it has been remarked by those men that the general effect of bounties is, that where they go into operation upon anything like a large scale and for any considerable time together, the result is that the industry is almost invariably carried on, not for the purpose of producing the article, but in order to procure the bounty. Therefore I say that in this case I would prefer the bounty system to the protected system, because any one who chooses may see that it is the intention of the Government to support this industry, cost what it will, and there is no secrecy about it. The hon. gentleman from Niagara invited my hon. friend from Halifax to take into his consideration the subject of the French bounties upon sugar, and if my hon. friend adopts the hon. gentleman's suggestion and investigates that subject thoroughly, he will probably find that not much more than a year ago the French sugar industry was in a very languishing condition. I have read a report of an English commission of enquiry, who made extensive researches into the state of the beet root sugar industry in France. I think it was about a year since—if the debate had not been rather sprung upon the House I could give the exact date, but I am now only speaking from memory—and it was then found that a great number of these sugar refineries in France were in a very languishing condition.

Hon. Mr. PLUMB—The hon. gentleman will perhaps excuse me; I would state that he has misapprehended me. I was not advocating the French system of giving bounties, but I was saying that Mr. Gladstone had said that, under certain circumstances, it would be proper to depart from the hard and fast rule of free-trade, and grant a bounty in order to meet bounties in another quarter.

Hon. Mr. HAYTHORNE—I think the hon. gentleman recommended the study of the beet root sugar industry in France, for the benefit of the hon. gentleman from Halifax.

Hon. Mr. PLUMB—I thought it would be good for him to read a little.

Hon. Mr. HAYTHORNE—I would then suggest that, if he did so, he would find certain peculiarities about it, and the hon. gentleman cannot deny that. I am not saying that the hon. gentleman from Niagara stated that these peculiarities existed, but I am telling the hon. gentle man from Halifax that if he pursues that study, as advised by the hon. gentleman from Niagara, he will probably meet with certain unexpected results, and he will find that the sugar industry of France is not in nearly so prosperous a condition as the hon. gentleman from Niagara supposes.

Hon. Mr. PLUMB—I was not speaking of its prosperity or otherwise.

Hon. Mr. HAYTHORNE—The simple fact is that the bounty upon French sugar causes the French people to pay for the use of their sugar by the English, and I believe that some years ago the English paid the Dutch in the same way. What I assert in regard to the bounty upon sugar generally, is this: the result is that the industry almost invariably comes to be carried on merely for the sake of obtaining the bounty from the Government. As the hon. gentleman from Niagara undertook to advise the hon. member from Halifax, perhaps he will not object to my suggesting that he might employ some of his leisure in studying the history of the bounty upon Scotch herring and the duties and draw-backs

upon salt, which are to be found in the writings of Adam Smith ; he will probably see something there about bounties which may throw some new light upon the subject for him. My hon. friend from DeSalaberry spoke of the iron industry in the 17th century, but I do not think he took into account the entirely different conditions which existed at that time. Then iron was almost exclusively smelted with wood, which, in the new condition of the country, was almost an encumbrance, and there were then peculiar circumstances which would render such an industry very suitable to the time to which the hon. gentleman referred. I myself can recollect having seen, in my young days, in England, the remains of a pit which, I was informed, had been used in smelting iron during the time when that country was covered with oak forests. That time however has passed away, and the forests to which I refer have disappeared for centuries, and the iron industry which is now reviving, is carried on in a very different way, the metal being smelted by means of coal which is brought to the works by rail. I can, however, understand that at the time of which the hon. gentleman spoke—the 17th century—the manufacture of iron in Canada might have been a successful and prosperous industry.

HON. MR. TRUDEL—What I meant to say was this ; the very fact that this industry was introduced into this country so long ago, and that it was not developed, shews the necessity that exists for encouraging it ; unless, indeed, we are ready to renounce absolutely that source of wealth which is so great in this country. I used that argument only for the purpose of showing the necessity for what I consider the extraordinary legislation proposed by this Bill. It is not a general principle, but one that is to be applied to develop certain special industries which cannot succeed otherwise.

HON. MR. HAYTHORNE—The hon. gentleman forgets that the wood period is over and that we are now manufacturing iron in a totally different way. I am not going to dispute his conclusion though I disagree with him as to the means to be taken to promote this iron industry. It does not follow from the fact that the iron industry was prosperous 200 years ago, that it will now, with a totally different class of circumstances, be equally prosperous. I am an Englishman born myself, and I am proud of my country with her grown daughters in Canada, the United States, the Australian colonies, and elsewhere, but they are all obliged to admit the one thing, viz : their industrial inferiority to their great mother, and if they would keep out the products of the Mother Country they must have recourse to protective duties, which after all only injure themselves particularly.

The motion was agreed to, and the Bill was read the second time.

HON. SIR ALEX. CAMPBELL moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed, on a division.

EXPIRING ACTS CONTINUATION BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved that the House do resolve itself into a Committee of the Whole, for the consideration of Bill (138), "An Act to continue for a limited time the Acts therein mentioned."

HON. MR. CARVELL, from the Committee, reported the Bill with one amendment, which was concurred in, and the Bill was then read the third time and passed.

TARIFF FURTHER AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (119), "An Act further to amend the tariff of duties of Customs."

He said : The second reading of this Bill relative to the Customs duties, was postponed at the suggestion of the hon. gentleman from Halifax, who desired to make some remarks upon it, and I shall be very glad now to listen to anything he may be pleased to say. For my own part, as we cannot make any alteration in

this Bill, I do not see that any good can be accomplished by my making any remarks, and I will, therefore, without further preface, move the second reading of the Bill.

HON. MR. POWER—The Minister has said very truly that we cannot make any alteration in this Bill, but the hon. Minister probably has not forgotten, and a great many hon. gentlemen have not forgotten that under Mr. Mackenzie's administration fiscal questions were discussed at great length in this House, and that the first movement in Parliament in favor of a change in the fiscal policy was made in this House, and if I am not mistaken my hon. friend from the Quinte division is the gentleman who has the credit and honor of being the parliamentary father of the system under which we are now suffering, and consequently I do not think that there is any impropriety in my making a few remarks upon the tariff. I shall try to make my observations as brief as possible. This Bill tells just the same story as the Bill with respect to the bounty on pig iron which was passed a few minutes ago, viz.: that the Government have given up all pretence of adopting a tariff for revenue purposes, and that their policy now is protection, pure and simple. I think that a glance at some of the alterations which have been made, even in the existing tariff, will make that point very clear. First, take the articles on the free list, of which I shall refer to a very few: We have "hatter's plush of silk or cotton;" "iodine crude;" "marble in blocks from the quarry in the rough;" "attar of roses;" "seeds, anise, coreander, cardaman, fennel, and ferugreek;" "sausage skins or casings, not cleaned;" "wire of spring steel coppered for the manufacture of mattrasses;" and "dye, jet black." Hon. gentlemen will see that these are all articles which are used in certain manufactures, and none of them such as are used by the poorer consumers. As to the question of articles used respectively by the rich and the poor, there are two or three suggestive items.

HON. MR. PLUMB—What about attar of roses?

HON. MR. POWER—That is an article which the hon. gentleman from Niagara may use largely.

HON. MR. PLUMB—The hon. gentleman is on the wrong scent.

HON. MR. POWER—I find that amongst the other articles which are placed on the free list are "rubies, pearls, sapphires, emeralds, garnets and opals not polished or otherwise manufactured." Further on there is one very important exception to the rule I have mentioned just now, viz., that "saw-dust" has been made free. I do not see for what purpose it has been made free, whether it is to be mixed with the food of the people or not.

Now take on the other hand some articles which are used by the farmers and other working people: "wheel-barrows and hand carts," they are to be taxed 30 per cent *ad valorem*. On "cordage of all kinds," which used to be 5 per cent the tax has been raised to 20 per cent *ad valorem*. Here are two items coming together which make a very suggestive contrast: "paper hangings or wall-paper, glazed paper, &c., in rolls or sheets, or cardboard," 30 per cent *ad valorem*. These are articles which are used by builders and householders in decorating the residences of the people.

HON. MR. PLUMB—I would like to know where saw-dust comes in in the Bill? The hon. gentleman professes to always be so accurate I would like him to show it to me.

HON. MR. POWER—The hon. gentleman has a right to be gratified, and I always like to please him. If the hon. gentleman will look at line 30 of page 2 of the Bill he will find the words there plainly enough.

I was just speaking, when interrupted, of the contrast offered by the way in which paper hangings and wall-paper, which are generally used, are treated, and the next item on the list, viz: "Union collar cloth paper in sheets not shapen." That is an article used by manufacturers of collars only, and it is taxed 5 per cent, while the other articles which are used by the people at large are taxed 30 per cent. "Aniline dyes" which are used by manufacturers of clothing are taxed 10 per cent. while bed comforters, or quilts of cotton, which are used by the people at large, are taxed 27½ per cent. All sorts of farm implements are taxed 35 per cent.

Now hon. gentlemen I have pointed out a sufficient number of items to show how differently raw materals of two kinds of people are treated. The farmer's implements are as much a part of his raw material as the aniline dyes are of the manufacturer's. The latter are necessary in the production of the manufactured article of clothing or other stuff, as the others are necessary in the production of the crop which the farmer raises, and there is no reason that I can see why the two things should be treated so very differently.

I may say that it is a thing which has often struck me in these discussions, as to hon. gentlemen who are so fond of talking about having a Canadian market for Canadians, and hindering foreign articles from coming in to compete with our own manufactures and who pride themselves upon giving employment to the people of the country; why it has never occurred to them to propose a duty upon labor. Labor is the article which the poor man has to sell, but these benevolent gentlemen never dream of putting any duty upon that article, but are doing all that they can to bring in foreign labor to compete with what is already in the country. I presume the hon. gentleman from Hamilton will think that there never was a more illogical argument than this.

HON. MR. MACINNES—I most certainly do think so. Mechanics never got as high wages as they do under the National Policy.

HON. MR. POWER—I doubt very much if the hon. gentleman, when he meets us next Session, will be able to tell us that the operatives in that large mill of his are getting such high wages. I know that in many other mills they are not getting high wages now. I am not now saying whether protection is a good thing or not, but if it is a good thing for the hon. gentleman who makes millions of yards of cotton a year, why should it not be good for the operatives who work for him?

HON. MR. MACINNES—So it is. They get better wages.

HON. MR. POWER—There is just one other remark I propose to make, and it is this: Hon. gentlemen who have not too much personal interest in the preservation of the present system to be able to see clearly what is going on around them, must have observed that, in the neigboring republic, where they have had a long experience of the protection system, the majority have made up their minds that that system must be abandoned. I think that we are showing ourselves somewhat behind the age in adopting a system which they are getting rid off. The mother country abandoned the system a great many years ago; and now we, in Canada, are coming in behind all the others, and decking ourselves out in the cast off finery of our neighbors. To my mind—it may be an illogical mind—the position we now occupy in this country is a most undignified one.

HON. MR. READ—I hope the House will bear with me a few minutes, as I am charged with being the father of this objectionable policy which we have at present. If I have no greater sin to answer for than having had the temerity to move a resolution, perhaps the first offered in Parliament, advocating the adoption of a national policy, I do not think I have much to answer for. The hon. gentleman who has just sat down has referred to the experience of the United States. Let me quote the views of one of the ablest men of that country after nine years' experience of what was called the compromise tariff, from 1833 to 1841.

HON. MR. POWER—That is years ago.

HON. MR. READ—It has a direct bearing on this question. It was a 12½ per cent. tariff. I will read the views of Henry Clay, who had been at that time 37 years in Congress. He was a Southerner and a free-trader, yet this experience is given in these words:—

"My fixed purpose on this occasion has been to appeal to all gentlemen, and all political sides of this Chamber, to come out and make a sacrifice of all lesser differences in a patriotic, generous and general effort for the relief of their country. I do not ask what have been the remote causes of the depression and wretchedness of our once glorious and happy country. I will turn my views only on the causes which are proximate, indisputable and immediately before us. One great, if not the sole cause, is to be found in the

withdrawal of money from the country to pay debts accrued and accruing abroad for foreign imports, or debts contracted during former periods of prosperity. What then is to be done to check this foreign drain? We have tried free trade. We have had the principles of free trade operating on more than one half of our comforts for nine years. That will not do we see. Do let us recall the time when a protective policy was established, and we then had universal prosperity.

Now if that does not apply to our case, then I have nothing more to say. I think I have read sufficient to prove my point: I take one of the ablest men in the United States for my authority.

The motion was agreed to, and the Bill was then read the third time and passed.

ST. JOHN RIVER BRIDGE BILL.

SECOND AND THIRD READINGS.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (138), "An Act to provide for advances to be made by the Government of Canada to the St. John Bridge and Railway Extension Company."

He said: The Bill provides, substantially, for an advance of money to this Company to build a bridge near the City of St. John across the river of that name. The advance is to be made, to the extent of 80 per cent. of the expenditure, on the certificate of the Chief Engineer of the Government Railways in operation, and is not to exceed in all $500,000. To secure these advances the Company is to execute a mortgage, in favor of the Government, on the bridge.

The motion was agreed to, and the Bill was read the second time.

HON. SIR ALEX. CAMPBELL moved the third reading of the Bill.

HON. MR. POWER—I wish to call the attention of the Minister of Justice to the fact that the Government are assuming all the responsibility in connection with this bridge, and that they are advancing, practically, all the money for its construction, and then allowing other parties to own the work. The New Brunswick Government have offered a subsidy and the St. John and Maine Railway Company have also offered assistance, and on these bonuses the Company will be able to raise the remaining 20 per cent. of the cost of construction.

HON. SIR ALEX. CAMPBELL—The bridge is good security for the 80 per cent. which we advance.

HON. MR. POWER—If the Government constructed the bridge themselves, they would receive these subsidies; and the bridge would make an admirable terminus for the Intercolonial Railway. The present terminus of that road is a mile and a half from the place where this bridge is to be erected. If the Government owned the bridge, the tolls on trains passing over it would yield a handsome return on the expenditure, and there would be no unfair rates imposed on any of the companies using it. If the bridge is to be in the hands of a private company, there is no certainty that that will be the case. There will be a large traffic over it as soon as it is opened, and that traffic will be very greatly increased when the Megantic road is completed. It seems to me that it would be in the interest of the country to have this bridge owned and controlled by the Government, and not by a Company.

HON. MR. DEVER—I have to thank either the Company or the Government for the construction of this bridge, and I am inclined to think that my gratitude is due to the Government. For some ten years I have brought this subject before the House nearly every Session. I should prefer to have the bridge built by the Government, but I have no objection to the Company by whom it is to be constructed. They are honorable men and will execute the work properly. I do not think the 80 per cent. is too much for the Government to advance, while it will be sufficient to enable the Company to carry out the undertaking.

HON. SIR ALEX. CAMPBELL—I do not see that there is any danger such as the hon. gentleman from Halifax points out. We advance only 80 per cent. of the cost of the Bridge; that advance will be secured by a mortgage, and the Governor-in Council is authorized to take possession of the work if the interest is not paid.

HON. MR. WARK—I am satisfied that there are few thoughtful people in New Brunswick who do not think that this work should be undertaken by the Government as a terminus for the Intercolonial Railway, and that all those roads connecting with it should have equal running powers over the bridge.

HON. SIR ALEX. CAMPBELL—The Government do not want to assume the responsibility of owning the bridge, but they are willing to make this advance. The Minister of Railways thought that this was the best way to have the work done.

HON. MR. DEVER—I think under the supervision of the Government engineers the bridge will be well constructed and there will be no fault to be found.

The motion was agreed to, and the Bill was read the third time and passed.

FISHING BY FOREIGN VESSELS BILL.

SECOND AND THIRD READINGS.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (143), "An Act to extend to British Columbia the Act relating to fishing by foreign vessels."

He said: In 1868 a Bill was passed enabling the Governor-General to grant to foreign vessels licenses to fish in British waters within three miles of the cost. It is proposed by this Bill to extend that Act to British Columbia.

The motion was agreed to, and the Bill was then read the third time and passed.

CONSOLIDATED RAILWAY BILL.

THIRD READING.

The House went into committee on Bill (127), "An Act further to amend 'The Consolidated Railway Act, 1879,' and to declare certain lines of railway to be works for the general advantage of Canada."

HON. MR. DEVER, from the Committee, reported the Bill with certain amendments.

HON. SIR ALEX. CAMPBELL moved the third reading of the Bill.

HON. MR. POWER moved the amendment of which he had given notice, to exclude all local lines, except those specially mentioned, from the operation of this Bill.

The motion was lost on a division, and the Bill was then read the third time and passed.

THE LICENSE BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (132), "An Act respecting the sale of intoxicating liquors, and the issue of licenses therefor."

HON. MR. POWER called attention to the fact that the Bill had not been distributed.

HON. SIR ALEX. CAMPBELL—I am conscious of it and I am sorry that it has not been distributed. To-morrow will be a statutory holiday, and therefore we ought not to sit on that day, but if the House was adjourned during pleasure to-night, with the understanding that we meet at 11 a.m. to-morrow, in that way we could get over the difficulty, and the whole sitting would be considered as of to-day.

The motion was agreed to, on the understanding that the House was not committed to the principle of the Bill, and that the discussion should take place in Committee, and the Bill was read the second time.

The House resolved itself into Committee of the Whole on the Bill.

HON. MR. HAYTHORNE, from the Committee, reported that they had made some progress, and asked leave to sit again to-morrow.

The report was adopted.

THE FISHERIES BILL.

SENATE AMENDMENTS ADHERED TO.

A message was received from the House of Commons to return Bill (101), "An

Act to amend the Fisheries Act," and to inform the Senate that the Commons had disagreed with the amendments made by the Senate to the Bill.

HON. SIR ALEX. CAMPBELL—The House of Commons have disagreed with our amendments and have given a reason which seems to me to be an insufficient one; that the taking out of license is not compulsory on riparian owners and special grantees of the French Crown. The reason seems to contradict itself. In the first place it says it is not compulsory on the riparian owners to take out license, and then it says that the interests of riparians will be protected. I do not think the reason is sufficient, and the better way would be for us to say that we adhere to our amendments. I move that this House do insist upon its amendments to this Bill.

The motion was agreed to, and it was ordered that the Clerk of this House do go down to the House of Commons and acquaint that House that the Senate insist on their amendments.

The Senate then at 6 p.m. adjourned during pleasure.

THE SENATE.

Ottawa, Thursday, May 24th, 1883.

The House was resumed at 11 a. m.

THE DEPARTURE OF HIS EXCELLENCY.

MOTION.

A message was received from the House of Commons with the following address to which they desired the concurrence of the Senate :—

To His Excellency the Right Honorable Sir JOHN DOUGLAS SUTHERLAND CAMPBELL, (commonly called the Marquis of Lorne), Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Grand Cross of the Most Distinguished Order of *Saint Michael* and *Saint George*, Governor-General of Canada, and Vice-Admiral of the same, etc., etc.

MAY IT PLEASE YOUR EXCELLENCY :—

We, Her Majesty's dutiful subjects, the Senate and House of Commons of Canada in Parliament assembled, desire on behalf of those whom we represent, as well as our own, to give expression to the general feeling of regret with which the country has learned that Your Excellency's official connection with Canada is soon about to cease.

We are happy, however, to believe that in the Councils of the Empire in the future and wherever opportunity enables you to render her service, Canada will ever find in Your Excellency a steadfast friend with knowledge of her wants and aspirations and an earnest desire to forward her interests.

Your Excellency's zealous endeavours to inform yourself by personal observation of the character, capabilities and requirements of every section of the Dominion have been highly appreciated by its people, and we feel that the Country is under deep obligations rt you for your untiring efforts to make its esources widely and favorably known.

The warm personal interest which Your Excellency has taken in everything calculated to stimulate and encourage intellectual energy among us and to advance Science and Art will long be gratefully remembered; the success of Your Excellency's efforts has fortified us in the belief that a full development of our national life is perfectly consistent with the closest and most loyal connection with the Empire.

The presence of Your Illustrious Consort in Canada seems to have drawn us closer to our beloved Sovereign, and in saying farewell to Your Excellency and to Her Royal Highness whose kindly and gracious sympathies, manifested upon so many occasions, have endeared her to all hearts, we humbly beg that you will personally convey to Her Majesty the declaration of our loyal attachment and of our determination to maintain firm, and abiding our connection with the Great Empire over which She rules.

HON. SIR ALEX. CAMPBELL—I am sure that the Senate will cordially concur in the address of the House of Commons to His Excellency the Governor-General on the occasion of his intended departure from Canada. He has rendered the country great services during his term of office and impressed the people at large with the earnestness of his purpose to serve them and advance their highest interests. We all regret that his connection with us is about to cease and desire that he should carry with him such expression of our appreciation of the great and valuable services which he has rendered Canada as this address conveys. His Excellency's visits to the different Provinces of the Dominion, particularly to Manitoba and British Columbia, have enabled him to

satisfy himself as to the great resources of our country and he has made them widely and favorably known. We do not realize, perhaps, the extent to which his remarks, with reference especially to Manitoba and the North-West Territories, have benefited the country. They have formed the key-note to a great deal that has since been done and written. His high position inspired the people of the United Kingdom with a confidence which would not have been given to another in the statements of the fertility of those great countries and have been of the highest value to us.

The encouragment which His Excellency and Her Royal Highness have given in so many ways to art and science and to the development of intellectual energy amongst us, have been of marked value to the country. I think His Excellency has endeavored and with success to demonstrate to us that our position as a Colony of the Empire is quite consistent with the fullest development of intellectual life on the part of Canadians.

The reference in this address, in which we are asked to concur, to Her Royal Highness the Princess will be, I am sure, most gratefully received by the Senate. We all know the kind and generous sympathy which she has extended to the afflicted in so many directions. Her courtesy and condescension to all who have been honored by the hospitality of Government House—Her goodness to every one in fact who has been admitted to her presence have endeared her to us all and we shall long cherish the recollection of her kindly presence amongst us.

I am quite sure that the Senate will gladly adopt the motion which I make for the concurrence of this House in the address before us.

HON. MR. SCOTT—The adoption of this Address by Parliament is, I think, a very fitting tribute to His Excellency, on the eve of the termination of his official connection with Canada. When in 1878 His Excellency was nominated to his high office, there were very many people who were somewhat skeptical as to the success that any gentleman would enjoy following in the footsteps of so distinguished a statesman as his immediate predecessor. We all know that Lord Dufferin threw a special halo around the position of Governor-General—that he discharged the duties of the office with very great ability, and having probably a larger experience than Lord Lorne, there were very many who doubted that the present Governor-General would be in any way as great a success as his predecessor. Without drawing a comparison between these two distinguished noblemen, I venture to say that the opinion of the people of Canada will bear me out in stating that Lord Lorne has discharged the duties of his high office with great skill and ability, and that in the future history of Canada the names of Lord Dufferin and Lord Lorne will be bracketed together as two of the most distinguished of our Governors, and that their names will go down to posterity together.

As the founder of the Royal Society, Lord Lorne's name will be intimately connected with the intellectual life of this country, and those who witnessed the congress of savans who met in this Chamber yesterday, must feel that it is altogether due to the interest which he took in the founding of that society that it is now placed on the substantial basis on which it rests. It was not the mere official patronage which he extended to that association, but he warmed it up into life, and has taken a deep interest in it from the beginning.

Her Royal Highness, an artist herself, has stimulated taste for art in this country, and His Excellency has acted in concert with her in giving life to various art associations throughout the Dominion. But it is not in the role of an artist that Her Royal Highness will be best remembered in Canada: it is by the exercise of that warm and sympathetic feeling which she has at all times exhibited, marking her as a true woman. By her works of unostentatious charity she will be best remembered by the people of this country. I think no higher compliment can be paid to the Princess, than to say that she has taken the deepest interest in those subjects, in which a woman ought to take the lead.

While there are few, comparitively speaking, in this country who take an interest in art and intellectual culture, yet all appreciate the great service which Lord Lorne has rendered to this country by calling attention to its various resources on every opportunity that was fitting and

proper. During the term of his office he has made himself intimately acquainted with Canada, and that is saying a good deal when we recollect that the Dominion extends from one ocean to the other—a country 5,000 miles across. As has been very happily and truthfully observed by the leader of the Government, this country owes very much to Lord Lorne for the manner in which he has brought before the British public the great resources that Canada possesses, and how suitable it is that it should form the home of emigrants from the British Islands, rather than they should settle in the United States or any other foreign country. I venture to say that the speech made by Lord Lorne at Winnipeg will have done more good in that direction than all the official pamphlets that could have been circulated by the Department of Agriculture over Great Britain and Ireland. He was our candid friend. His utterances were taken for what they expressed, by the British public, and I feel that we are largely indebted to him for the great stimulus which has been recently given to immigration into this country. Immigration is what we need. The Dominion cannot reach the position which we desire for it by the natural growth of its population; it must be increased by the influx of blood from abroad, and we owe to our excellent Governor-General very much indeed for the manner in which he has brought the attractions which Canada possesses before the British public.

I have therefore very much pleasure, and I am sure when I express that pleasure for myself I speak not alone for the Senate, but the people of Canada, in seconding the Address which has been introduced by the leader of the Government.

HON. MR. ALEXANDER—Coming from Western Ontario, it affords me much gratification to say that this Address echoes the sentiments which are entertained of Their Excellencies by that populous district. As regarding the Governor General, I am sure that no one could have manifested, ever since his advent to our shores, a stronger desire than he has done, to promote by the influence of his high position, every material interest of the country. And his efforts have been directed in such a practical manner as to bring very fruitful results. As has been already said, His Excellency's visit to our Northwest gave a wide extended publicity to the great value of that territory for immigration purposes—not only in the overpopulated districts of Scotland, England and Ireland, but also of Germany—and the same results will be found to have flowed from his recent visit to British Columbia. I need not reiterate the expressions which have fallen from the leaders of both parties as to the unexceptionable manner in which he has discharged his duties as a constitutional Governor. But I cannot refrain from dwelling upon the effective manner in which he and his illustrious consort have directed the public mind to the importance of our not neglecting those institutions, which have for their object the cultivation of the Arts and Sciences, which confer upon man the highest enjoyment. And we shall long remember the genial and kind manner in which the hospitalities of Rideau Hall have been dispensed for the enjoyment of all who have had the happiness to approach Their Excellencies. As regarding the presence in our midst of one of Her Majesty's daughters, we have indeed been highly favored, calculated as it has been to diffuse an elevating influence on Canadian society—calculated as it has been by Her Royal Highness' beautiful example to them to show that what is greatest in this life is unaffected simplicity and kindness of heart—the absence of all pride and ostentation—the love of doing good, and making all happy around her. Such are the distinguishing characteristics which refine and ennoble society. I am sure that the Governor General and Her Royal Highness when leaving our shores, will carry with them the prayers of our whole population, that they may long be spared to grace and adorn that high position allotted to them on this earth.

HON. MR. DEBOUCHERVILLE—I regret that another member speaking the French language, who was to address the House on this occasion, is absent. I concur in the expressions of loyalty which we have heard to-day, and I desire to convey (and I speak not only in the name of my colleagues, but of my countrymen) to His Excellency the assurance that we are grateful to him for his sympathy and kindness

towards our nationality, and the interest he has taken in our language and history. As for Her Royal Highness, it is enough for us to know that she is so nearly related to our beloved Queen to secure for her the affection of our people. But apart from that fact, her sympathy with all our charitable institutions, as proved by her many visits to our convents and hospitals, one of which took place lately, has increased our love and admiration for the daughter of our Sovereign.

HON. MR. PLUMB—Hon. gentlemen I believe that we all heard with the greatest pleasure the reading of the eloquent Address which is proposed to His Excellency the Governor General. I think that what has been said by the hon. leader of the Government, in moving the Address, and so gracefully responded to by the hon. leader of the Opposition in seconding it, will meet with the warm approval of every one who has listened to their eloquent words. I think we may venture to add our mite to the expressions which have been made as to the feeling with which His Excellency is regarded in Canada. As has been well said, when he came amongst us he came to fill a role which was made very difficult by the position that had been taken by his brilliant predecessor; but he has steadily gained on the feelings, the affections, and the approval of the people of Canada, and I think no one who has ever held the distinguished office he has so worthily filled here, will leave Canada with firmer hold upon the hearts of our people than His Excellency the Governor General. In every branch of his duty, in everything that he has had to discharge as a matter of duty, we all know how untiring he has been; we also know that he has taken upon himself a great deal which need not have come strictly within the line of that duty. He has done everything gracefully, he has done everything well, he has done everything acceptably, and I believe he has done everything with a view to the best interests of this great Dominion, for which I am sure he cherishes a fond affection.

He has well said that he will carry away with him very pleasant recollections of Canada, and that we shall always have a friend in him who knows her wants, and who, I think, can as well as any one who has ever been connected with the country make those wants known to those to whom it is most desirable that they should be known. His zeal in promoting the physical development of the country, has been untiring, and when he came here we were at the very outset of the development of the great North-West. His visit to that portion of the Dominion, as has been well said, has been and will be productive of the greatest service to this country. He went there as a friend, but as a friend who was to judge impartially, and what he asserts will corroborate the most enthusiastic statements that have been made in regard to the North-West, for his position is such that his statements will have the greatest weight. The great personal labor, and great personal exposure and hardship which he endured in crossing the prairies, the long days of travel made in the interests of the country, should entitle him to our lasting gratitude. In addition to that he has this year extended his journey so far as to make himself acquainted with one of the most important of the provinces of this Dominion—a province which will ultimately, and probably in the near future, show how wise it was to unite it to the Dominion, despite of anything that may have been said to the contrary, and which would fully justify the broad statesmanlike views of those who have not only strongly advocated its connection with the country but have always endeavored, so far as possible, to promote its interests by expediting within reasonable time the construction of the link of steel which is to bind together the East and West of this great Dominion. On that occasion it is gratifying for us to know that he was accompanied by the Royal lady who has honored us with her presence during a portion of his administration. Both of them have been unwearied, as we all know in their devotion to the promotion of the intellectual advancement of the country. It was well said by my honorable friend the leader of the Government that they have done much towards illustrating the fact that the development of the intellectual life of Canada is perfectly compatible with its position as a dependency of the Crown.

We had yesterday one of the mos striking results of the untiring efforts which His Excellency the Governor Gen-

eral has made in that direction, which must have been gratifying to him and to Her Royal Highness, and it must have been convincing to everyone who heard the eloquent addresses that were made, and who witnessed the brilliant assemblage of representatives of Art, Science, and Literature, that his efforts have met with a hearty response.

It is, as has been said, greatly to be regretted that during a large portion of His Excellency's administration the unfortunate accident which occurred to Her Royal Highness while she was in the discharge of a duty that devolved upon her as the wife of the Governor General, has withdrawn her so much from among us; but during the time her health has permitted her to be here, wherever she has gone she has won the hearts of all with whom she has come in contact, and there is no doubt that she has gained a firm and lasting hold upon the affections of the people of Canada. We all of us will feel, and must feel, the saddest regret at parting with His Excellency and Her Royal Highness, and I believe that when the time comes for them to leave us, they will carry with them the prayers, the love, and the best wishes of the united people of this Dominion.

It seems a peculiarly appropriate occasion upon which to move the address, that of the anniversary of the birth day of our beloved Sovereign whom may God long spare to hold sway over an undivided empire, and who has given us the highest proof of her regard, and confidence in entrusting a beloved daughter to our care.

HON. MR. BELLEROSE—I regret that the hon. Minister of Justice did not notify us of his intention to move this address to day, because I should have been glad to have made some preparation to express on behalf of those whom I represent the sentiments which are entertained by them towards His Excellency and his royal wife. On all occasions when we have met their Excellencies, we have been treated with the utmost courtesy and kindness, and these marks of friendly interest and esteem are deeply appreciated, and will be long remembered by the French Canadian race. I am sure that the example which they have set will have a good and permanent effect on the English speaking race of the Dominion and tend to unite our people and make them one in nationality. In sending her daughter to reside in our midst, Her Majesty has shown that she fully appreciates the loyalty of the Canadian people, and it is another manifestation of that interest which is taken in our affairs. We cannot forget that it is during the present reign that the inestimable blessing of responsible government and the recognition of French as one of the official languages of this country was conferred upon our people. I concur fully in all that has been said by the leaders on both sides on this subject and I am happy to be afforded this opportunity to express the sentiments of respect and affection which the people of Quebec entertain for His Excellency and the daughter of our beloved Sovereign.

HON. MR. GIRARD—I see no representative of my province here but myself I will therefore, be excused if I rise to address the House on this subject and to express the pleasure with which I give my hearty concurrence to the motion. Manitoba has been called a small province, but I have no hesitation in saying that it will soon be one of the greatest in the Dominion, and its rapid growth is to some extent due to the visit which His Excellency paid it two years ago. His description of the country drew the attention of the people, not only in the older provinces of the Dominion but in various parts of Europe, to the attractions which Manitoba presents to those seeking homes in the West. I only regret that he was not accompanied by Her Royal Highness. It would have been an advantage to us and I am sure she would have derived pleasure from the visit and been in a position to inform our beloved Queen of the loyalty of our people and their attachment to their sovereign. His Excellency also visited British Columbia and the country as a whole, and that Province in particular, will derive no small benefit from his personal observation of its vast and varied resources.

I feel sorry that His Excellency is about to leave us. His kindly words to our province will long be remembered, and we appreciate the gracious act of Her Majesty in sending her daughter to live in our midst.

It is true this address comes before us on short notice, but it is easy to express thoughts that come from the heart, and it is from my heart that I express my regret at the departure of His Excellency and Her Royal Highness, and my best wishes for their happiness.

HON. MR. NELSON—Being the only representative of British Columbia at present in this House, the duty devolves on me to express, on behalf of the people of my Province, my perfect approval of this address, and their deep regret at the departure of Lord Lorne and Her Royal Highness from Canada. As you are all aware, they paid British Columbia a visit and while there endeared themselves to every individual, high and low throughout the Province. On their departure from British Columbia, while there was a widespread feeling of regret that their visit was so brief, we still felt that they were residing in Canada and, to a certain extent, were at home with us. Now that they are about to leave the Dominion the regret at their departure will be as deep and universal on the Pacific Coast as in this Province in which they reside. I am very sorry that some other members from British Columbia are not here to express the sentiments of our people in a better manner than I have been able to do.

HON. MR. MILLER—I do not think the hon. gentleman has any reason to express regret that there is no other representative here to speak for British Columbia on the present occasion. I think if a spokesman is at all necessary the hon. gentleman has discharged the duty exceedingly well. I rise, not for the purpose of adding anything to what has been so very well said by hon. gentlemen on both sides of the House, but rather to express a different opinion on one point from that given utterance to by some members who have already addressed the Senate. It seems to be thought by some gentlemen that the leader of the House is to blame because no notice of this motion was given, as they were in consequence unprepared to express themselves towards the illustrious persons to whom the motion relates, with such sentiments of loyalty and affection as they would desire.

HON. MR. BELLEROSE—The hon. gentleman did not understand me; what I meant to say was that no motion——

HON. MR. MILLER—I do not allude to the hon. gentleman. For my own part I must say that I would not rise at all now, had it not been for the number of hon. members from different sections and Provinces of the Dominion who have given expression to their feelings on the motion before the Senate—expressions so general, in fact, that those provinces whose representatives do not participate in this discussion would appear almost to occupy an invidious position as in fact not sympathizing with the address. Now, I take it that an expression of this kind is an official expression of the Legislature towards the eminent persons to whom the motion refers, but it is not usual that, on a motion such as this, any general discussion or expression of opinion is expected to take place. For instance, if we would refer to the manner in which this motion was made in the House of Commons—and I mention this, by the way, for the benefit of those who complain that the first intimation this House had of the motion was when the Minister of Justice laid it upon the table this morning—we find that it was moved in that chamber yesterday by the leader of the Government by whom a speech was made, and he was followed by the leader of the Opposition there, those being the only speakers upon the motion. Situated as we are in this Dominion, with a large national element differing from that of the majority of our population, an element which is legally recognized in the Constitution and in the proceedings of Parliament, I have always considered it very proper on occasions of this kind, that some representative of the French people in both branches of the Legislature should, on behalf of that nationality, rise and give expression to their views and feelings; and I am happy to see that that duty was ably and fittingly discharged, as it was to-day by the hon. gentleman from Montarville (Mr. DeBoucherville). But as I am on my feet I will say a word or two on the motion before the House, and I desire only to say that I heartily approve of all that has been uttered both by the leader of the House and the leader of the Opposition. I am sure that the speeches of those hon. gentlemen will meet with the approbation

of all sections of our population, irrespective of class, creed or other distinction. The highest thing that can be said of the Marquis of Lorne is that he has been true to the traditions of his noble house; he has been a constitutional Governor, and has recognized on all occasions to the fullest extent the constitutional rights of the people. His constitutional knowledge and fairness have been somewhat tried on two or three occasions, and while he has not been perhaps exposed to quite as difficult tests as his illustrious predecessor, wherever he has been so tried he has discharged his duties in a way that must have given satisfaction to all political parties in this country; I am sure that when he leaves us he will be regretted by every portion of the people of this Dominion. It might be presumptuous in me to add a word to what has already been said with regard to Her Royal Highness: the gloom which spread over this country from ocean to ocean and from one extremity of it to the other, when a sad accident befel the Princess Louise, is a matter of history, and the expressions of feeling which went up from the Parliament and people of Canada—from all associations and in every part of the country—in regard to that accident, must have been excessively gratifying to Her Royal Highness. That she has not been able, in consequence of the results of that accident, to participate as much as she otherwise might have done in the duties incident to her high position as the wife of the Governor General of this Dominion, has been a matter for regret to us all, but we know that, so far as her health has permitted, she has, on every occasion, done all that her position required and she will leave this country with the gratitude and devotion of its inhabitants. Considering the amount of business that is yet before us, perhaps I have already occupied too much time, but, as no other representative from the Maritime Provinces has so far raised his voice upon the address, I must on behalf of the province from which I come, express my hearty approval of the motion before the House.

HON. MR. BELLEROSE—I regret that, having spoken in French, I have been misunderstood, but I would not like any misapprehension to arise as to the position I took. The hon. gentleman who has just spoken said that he did not allude to me, but the following part of his speech showed that his remarks were directly addressed to me. Now, I never said that notice was required; I only said that, in order to have enabled us to give fitting expression to our feelings towards His Excellency the Governor General and Her Royal Highness the Princess Louise, time should have been given us to collect our ideas. It was not at all on the ground of procedure that I objected.

HON. SIR ALEX. CAMPBELL—I quite understood the hon. gentleman and that he spoke not so much to take exception, as on the ground that the shortness of the notice prevented him from doing that justice to the subject that he could have wished. The address was only presented to the other Chamber last night however, and has been laid before this House to-day. I acquainted the leader of the Opposition with it, and that was all that could be done.

HON. MR. WARK—It is only proper that this address should be the expression of the whole House, but as members from all the other Provinces have addressed the Senate, I may perhaps be permitted to add a few words. When it was announced that the Marquis of Lorne was appointed to be the future Governor-General of this country, all those who were familiar with the noble house he represents were prepared to give him a cordial reception and welcome. Any one acquainted with the history of that illustrious house, and with all they have done and suffered in times past in the cause of civil and religious liberty, could not fail to look upon its representative with the warmest feelings of attachment; but His Excellency came to us still more strongly recommended, as the son-in-law of our beloved Sovereign, and I may say that Her Majesty could not have given us a greater proof of her attachment to Canada than she has done by permitting her beloved daughter to come and reside amongst us during the time her husband has been representing his Sovereign. I cordially concur in all that has been said in the Address, and I hope that His Excellency and Her Royal Highness the Princess Louise will leave Canada feeling satisfied of our attachment

and affection. Their visit was but short, yet I think that no one who had the privilege of approaching them can fail to have felt the warmest attachment toward them personally, and gratitude to Her Majesty for permitting her daughter to reside amongst us.

HON. MR. HOWLAN—The usual course on an occasion of this kind is for the leader of the Government to move the Address, and the leader of the Opposition to second it, but as hon. gentlemen from all the other Provinces of the Dominion have spoken to the motion, I would say a few words as representing the Province of Prince Edward Island. In doing so, I might say that it is perhaps a fitting time to refer to the history and present position of this country. Lying as we do alongside one of the largest republics in the world, speaking the same language and coming from the same stock, the British constitutional principles which pervade our Government are side by side with the republican institutions of our neighbors across the line. It is therefore a matter for pride that, after the statesmanship of England has been compelled, by the force of circumstances, to give to each of the Provinces of this Dominion a government responsible to the Crown and people alike, they have gathered together and formed this Dominion. It is in consequence of that wise statesmanship that we have to-day amongst us a daughter of our beloved Queen, and I trust that during the five years which the Marquis of Lorne and Her Royal Highness have spent amongst us, they have had full and ample opportunity of satisfying themselves of the loyality of the people of this Dominion, and that they will be able to tell our Queen that the people of Canada are worthy of the free institutions which we enjoy, Speaking for the Province of Prince Edward Island, I heartily re-echo the sentiments in that Address.

HON. MR. DEVER—As speaking has been somewhat general upon this subject, and there is no other gentlemen from the city of St. John present, except myself, I feel that I must say a few words in addition to what has been so well expressed by hon. gentlemen from other provinces. I may confess that I had a strong conviction in common with many others, that the impression which was made upon the people of this country by our former Governor-General, Lord Dufferin, and his charming and lovable countess, could never be equalled by any other representatives of the Sovereign who might succeed them in that position. Upon a closer acquaintance and knowledge, however, of His Excellency the Marquis of Lorne and Her Royal Highness the Princess Louise, I have great pleasure in stating that they have won the loyalty and affection of all those with whom I have spoken, and that loyalty and love will follow them when they leave us, and will last even down to our children and grandchildren.

HON. MR. O'DONOHOE—I have to regret that I was absent from the House when the matter was first introduced, but I esteem it a matter of privilege and pleasure to accord with the sentiments that have been expressed towards our Governor-General and Her Royal Highness the Princess Louise. I trust that he will be able, when he reaches the shores of Great Britain, to say to the people there that a very large component part of the population of Canada is of the Irish race, and that none are more contented, more loyal or more true. His Excellency may possibly be able to catch the ear of the Government of England, and I hope he will say to them "Give to the Irish people a similar government to that which has been granted to Canada, and instead of being troubled and annoyed by the people of Ireland they will be a stand-by and power at your back, to take up arms or do anything that may be possible to sustain the Empire. Send them not away as enemies from your shores, but let them go believing in the flag that floats over Canada, and they will take up their habitation there, strengthening and extending the Empire." As illustrating the loyalty of the Irish race in this Dominion, I do not think I am saying too much when I say of them, as Sir George Cartier, I believe, said of the French Canadians: "They will be found firing the last shot in favor of the flag of Canada." The Irishmen in Canada will be found a united body whenever the interests of the Empire call for their services, and they will defend it against any power. And so it would be in Ireland, in my judgment, if instead of the present system of restraint and intimida-

tion, the people were given a government similiar to our own; all fears would then be allayed and we should have a solid and united Empire. The Irish people, instead of leaving their native shore with hostile feelings towards the British Government, and making their home in the United States, would settle in Canada, and would aid us in rearing up that great Northern Empire which we have reason to think will exist here. Let the Governor-General leave us with this impression and convey it to the Government of England, and I think I may safely assert he will carry away with him to a greater degree than any of his predecessors, the attachment and devotion of the Irish people of this country.

HON. MR. DEBOUCHERVILLE—I would like to correct a historical error which has crept into the papers, and which has just been repeated here. It was Sir Etienne Tache who said "The last shot to be fired for the British Flag in Canada, will be fired by a French Canadian."

The motion was agreed to.

HON. SIR ALEX. CAMPBELL moved that his honor the Speaker do sign the said Address on behalf of the Senate.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL moved that the said Address be presented to His Excellency the Governor-General, by such members of the Senate as are members of the Privy Council.

The motion was agreed to.

THE LICENSE BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (132) "An Act respecting the sale of Intoxicating Liquors, and the issue of licenses therefor."

In the Committee,

HON. SIR ALEX CAMPBELL—It was understood that the discussion upon this Bill might be had now, either with the Speaker in the chair or with the House in Committee. I regret very much that the Bill was not distributed earlier in the session than it has been. Last night when the matter came up I thought it would be better to postpone the second reading of the measure and the discussion upon it, until we had the Bill before us in its full shape shewing all the changes that have been made in the House of Commons, and giving us the Bill just as they proposed that we should consider it. That is now done, and the Bill is before us, but I still wish there was more time for hon. gentlemen to look through the measure, and if the House so desires I would gladly postpone the action of the Senate still longer—either until this afternoon or to-morrow morning. If, however, the House is not anxious about that, but is willing to discuss the Bill generally, I will go on with the proceedings now. I desire that hon. gentlemen should have every opportunity that is possible for the purpose of discussing the Bill, which is of very great importance. Whether prorogation takes place to-morrow or on Saturday, it is very desirable that we should give such time as hon gentlemen think necessary for the purpose of considering this Bill. If the House will allow me to describe the measure in general terms I would say that it has been drawn I think with great care and clearness, and the scope of it is very easily caught by any hon. gentleman who will give it attention. The sections in the Bill are very complete and regular. The country is divided into districts for the purposes of the Bill, and those districts, for the most part, will be as nearly as possible the same as the divisions already existing for election purposes. In each of these districts there is to be established a Board of Commissioners, and that Board is to be constituted as far as possible upon the same basis. It is not possible to do it absolutely and literally, owing to the different circumstances in the various parts of the country, but the Board is to be composed, where practicable, of one principal judicial officer, a judge or prothonotary or some officer of the law, the mayor or prefect, the warden of the locality, and an officer to be named by the Government. These constitute the Commission in all the districts, and they are to appoint Inspectors and as many sub-inspectors as are necessary. There are five classes of licenses, viz: the hotel

license, the ordinary tavern or saloon license, the shop license, licenses to vessels, and the wholesale license. Applications for all these licenses are to be received and decided upon by the Commissioners, and the Board is to meet once in each year, in the month of March, and the various applications which are to come before them are to be filed some weeks beforehand, and notice is to be given in the papers of the number of applications and the names and particulars of the applicants, so that the whole neighborhood may know what taverns apply to be licensed. In the case of persons coming up for the first time for a license, they are to bring with them—or their applications cannot be heard—a petition from one third of the inhabitants of the polling district in which the tavern is to exist, and in addition to that it is provided that any 10 persons may petition against, and any of the 10, or any person appointed by the municipality, may be heard against the issue of the license. The objections to the license are to be of a two-fold character: either against the person himself because of his character or preceding conduct, or against the house itself, either from its position or from insufficiency of accomodation. All these objections and any others which occur to the license commissioners are to be heard and disposed of in open court, with the knowledge, therefore, of the whole community, and affording an opportunity to any one who has a petition against the issuing of the license, as well as an opportunity to the municipality, to urge any objections they may wish, of the character I have indicated. Then the license commissioners themselves may, if anything is known to them over and above what may have been stated to them by these representatives of the people, take objections; and after all this investigation, if the Commissioners see fit, the license issues. Then, when issued, the license is subject to a variety of rules for the purpose of preserving the well-being of the community, and in order to enforce such rules and regulations as ought to be obeyed by the saloon or tavern keeper, by the seller of liquor by wholesale, or by the seller of liquor on board of steam vessels. Then the whole number of licenses to be issued in any one locality is fixed, and on a basis specially with reference to the population, while if the tavern or saloon keeper or other licensee disobeys the rules and regulations alluded to, he is not only liable to a penalty, but after repeating the offence, I think three times, he forfeits his license. The general principles of the Bill are, therefore, I think, as wisely and carefully drawn as one can desire, and they are also very clearly set forth in the body of the measure, as I think we shall find as we go through it in committee. Provision is made for the sale of liquors in cases other than those which I have mentioned, where a municipality has by its vote (provision for which is made in the Bill) signified its desire that there should be no liquor sold within its boundaries; for there is provision for the sale of liquor for medicinal and other purposes, within certain restrictions. Great care seems to have been taken to ensure good houses, and their being kept by persons of proper character, that they shall be in good localities and shall not be offensive to the neighborhood, or in such localities as are calculated to be injurious; while at the same time it is sought to give a reasonable degree of liberty for the purpose of enabling those interested to carry on their traffic. I do not think that I can describe the general tenor of the Bill more clearly than I have done, but as we go on, should any question arise upon the several clauses, we shall have the fullest opportunity of discussing them.

HON. MR. WARK—Is there any provision in the Bill for the imposition of penalties upon those who infringe the provisions of the licenses issued by the local authorities?

HON. MR. SCOTT—The Bill is framed with the intention of taking away from the local legislatures the power of issuing licenses.

HON. SIR ALEX. CAMPBELL—The Bill provides for the punishment of those who infringe any of the provisions of the licenses issued.

HON. MR. SCOTT—The Bill is based upon the presumption that the licenses as now issued shall hold good until new licenses are issued, but after that the issuing of such licenses will be *ultra vires*

of the powers of the local legislatures, as they will have no authority over the matter of licensing, or of the sale of liquor in Canada. When—now over three months ago—Parliament was advised by the Speech from the Throne that this subject (the control of the licensing system) was to be assumed by the Dominion, the people of Canada naturally took a very deep interest in the matter. Up till that time the general belief had been that the power of issuing licenses rested entirely with the Provincial Governments, and was under the provincial authority and it will be in the recollection of hon. gentlemen that time and again, year after year, when petitions came before this, and the other branch of Parliament from the people of this country, asking for certain reforms in the Temperance Laws of the Dominion, they were told over and over again, by the highest authority in the Federal Parliament, that they must go to the Local Legislatures, as this Parliament had no jurisdiction or control. If this statement were in any way questioned I could lay my hands upon speeches to that effect, made by gentlemen who now assert that the same power rests with the Federal Parliament—in a directly opposite direction to that indicated by them in previous years. It has been maintained during the past sixteen years that constitutionally the whole control of the licensing system belonged to the Local Legislatures, and I think it was unfortunate when the Federal Government proposed to assume that authority, that the Bill they proposed to submit to Parliament had not then been printed and placed in the hands of the people in order that public opinion might have been expressed upon it. This is really a people's question rather than a legislator's question, and there are very few of us who are familiar with the workings and details of the licensing system, more especially as it has been subject to different treatment in the several Provinces of the Dominion. The principle that has prevailed in New Brunswick has been different from that in Nova Scotia, and the arrangements in Ontario have not been at all the same as those in the Province of Quebec. Each Province was working out this question on its own basis and with the view of attaining those results to which we all feel it is so important to look; that is, the correction of the abuse of drinking, and the restricting, as far as possible, the traffic in intoxicating liquors. It is, therefore, a question that is much better understood by the municipal authorities and organizations over the whole Dominion, than by members of the Federal Parliament. Though my hon. friend the Minister of Justice has very clearly and in terse language described what this Bill is, still I venture to assert, until he gave his immediate attention to it—even until a few weeks past—he knew comparatively little of the licensing system and the machinery that was in force in the several Provinces. Therefore, I say, it is to be regretted that this Bill was not before the people at a much earlier day; they should have had at least two months in which to consider and discuss it fairly, but I believe that at present but a very small proportion of the people of Canada know what we are doing in this matter. There is a wide spread opinion that this legislation is *ultra vires*, and that the issuing of licenses rests, where we all believed it did for the last sixteen years, with the local legislatures. The people were, as I have already said, told time and again that that was the source from which any changes must emanate, and it was well known that, in 1878, when I had the honor of submitting a Temperance Bill to Parliament, there were very grave doubts as to whether that measure did not trench upon the rights of the provincial legislatures, and there were very many gentlemen for whose opinions I entertain a high respect, who believed that the question was beyond the power of the Parliament of Canada and that we were encroaching upon provincial rights. Unfortunately in the last three years there has been a tendency, I think, on the part of the Federal Parliament rather to narrow the prerogative of the Local Legislatures. In my opinion it is very much to be regretted, and will cause a good deal of soreness and ill-feeling probably in the future, if this question—which was known as "State Rights" on the other side of the line—is to be a prominent one in Canada. So far as this subject is concerned, I think it would have been infinitely wiser and more in the interests of the people of Canada, had some test case been specially submitted to the highest authority which would have decided, once and for all, where the jurisdiction properly

rests with regard to these various questions. It is a matter very well known, I have no doubt, to many hon. gentlemen that there are several cases which have been tested before the courts of highest jurisdiction in Ontario and Quebec, and they have confirmed the theory that the power to issue licenses, and everything incidental to the licenses, rests with the local legislature.

A case is now pending before the Supreme Court in which that very issue arises, and, therefore, it would have been very much better if a special case could have been so framed, and no doubt it could have been readily done, and referred to the Privy Council, because it is manifest that this legislation cannot be acceptable to a very large proportion of the people of Canada. I venture to say that the majority of the people, although not the majority in the sense in which we are accustomed to interpret majorities, because the majority have spoken the other way, but the masses would be disposed to vote, irrespective of political questions, that the authority with respect to licenses should continue to remain, should continue to be where it always was, with the Local Legislatures.

This Bill comes to us with 140 odd sections and an innumerable quantity of sub-sections, and of course it would be idle for us to attempt to analyze it, because it contains many features of detail, each of which is of sufficient importance to warrant our giving it very careful consideration at this period of the session, with the announcement already made that we are to prorogue to-morrow, and it would be idle to attempt to discuss the several clauses of the Bill. I do not propose, myself, to take any special exception to any of them, leaving it to the Government that has assumed the responsibility of dealing with this question. It would be an unfortunate thing too were we to interject amendments here and there in a measure of this kind. It has no doubt had the attention of some very excellent minds, and it would be rather unfortunate were we just now to throw in alterations and changes that might involve other clauses in obscurity and doubt, and I therefore do not propose, nor do I think it would be wise for the House, to interfere with any of the details of it. What I myself propose to do will be on the third reading to move a resolution in the sense which I have indicated, that this question ought to stand at all events until the issue is satisfactorily decided whether the prerogative of dealing with the subject belongs to the federal or to the local legislatures.

HON. MR. ALEXANDER—I only wish to make the simple observation that this Bill furnishes an amusing commentary upon the manner in which the public affairs of the Dominion are now managed. The Dominion Government do not profess to say that the Local Governments of the different Provinces cannot legislate upon this important question, but what they do say is that the Government of the Province of Ontario appoints license commissioners who used their power for political purposes, and with the view to defeat the Dominion Government. The Dominion Government now steps in and says "we will take the whole power out of the hands of the Local Governments; we will bring in a Bill legislating for all the Provinces of the Dominion." Could there be a more amusing commentary upon the way in which our public affairs are managed both in the Local and the Dominion Governments? Here we have the local and the federal Governments trying to checkmate each other. Who began this party warfare? Was it the clever subtle chieftan of the party which now rules the country? And was the Local Government driven to retaliate by the same tactics? That seems to be the real position of affairs, and thus the Government sends us a Bill of 51 pages within a few hours of the end of the Session. What a farce and how discreditable it must appear to the people, that the battle is chiefly, which party shall rule!

I do not mean to say that the country is not in some respects being properly governed, in regard for instance to the construction of the Pacific Railway, &c., but this warfare should not go on unchecked. It will be said that our public men have no patriotism—that their chief object is not the public good but the love of office and its spoils. Now the people of this country do not deserve that their public men should lay themselves thus open to reflection, and discredit among the people. Such a state of affairs should be discountenanced. This House ought to discourage such proceedings, and

if we fail to do so what answer can be made to the charge that this House is of no use to the country?

HON. MR. HAYTHORNE—I wish to make a few remarks upon the Bill. It seems to me that upon questions of this kind a double responsibility attaches to members, a responsibility to the Dominion, and a responsibility to their Provinces. As to the main question, I may say that when this Bill was brought and placed in our hands I perused it carefully, and it struck me as having been prepared with great care, and not a little skill, and upon these grounds I was at first inclined to support it, but when I found that it interfered with the grand principle upon which the Confederation was formed, and with provincial rights, I felt that it was to be dealt with in a very different way. I must look at it as to how it will affect the people of my province—their present and future interests. Its intent is to remove from the local authorities the powers they have been accustomed to exercise, and in many cases exercised with excellent judgment and good effect, both as regards the promotion of temperance and the regulation of the sale of liquor. In my own Province most efficient laws prevail respecting the sale of liquors. The Legislature of Prince Edward Island spent much time and tried many experiments upon different laws for regulating the sale of liquors, and finally adopted a system closely resembling that contained in the Bill now before us. The great difference is that our Legislature adopted the smallest sub-division into which the country is divided as a licensing district. No one in our Province can obtain a license unless he first secures a majority of votes in the school district in which he proposes to pursue his business. This provision operated so well that the people were not troubled with too many places where liquor was sold, but perhaps it rather tended to reduce them to too small a number. I have no doubt that had the matter been left in our own hands we should, in a short time, have supplemented our laws by making provisions for the punishment of offences against those laws, and thereby rendered them complete in every detail. But, hon. gentlemen, one great reason why this species of legislation is to be regretted, is that it is taking out of the hands of the people what may be called fthe rudiments of their political education. The system of centralization has a tendency to incapacitate the people of the Province from conducting their own affairs. If this principle be pushed to its extreme you will find that the people instead of improving in their political education, will soon get into such a position that they will not know how to proceed at all.

I should just like to read to the House a very few lines indicating the opinion of one of the first statesmen of the world on the necessity of educating the people in their political duties. It may be in the recollection of hon. members that some few years ago the British islands were greatly troubled with a murrain among the cattle, and Parliament instead of interfering directly from Westminster passed an Act to enable the different localities to slaughter all cattle afflicted with it and thus stamp it out on the spot. Just about this time the present Premier of England, Mr. Gladstone, was entertained at Aberdeen, and alluding to this question of the cattle plague which had recently broken out in the county of Aberdeen, and had been stamped out the way indicated by the law, used these words, and they have a very important bearing upon the question before the House.

After complimenting the owners, and occupiers of land in the County of Aberdeen, on their prompt action in arresting the cattle plague, by the wholesale slaughter of diseased animals, Mr. Gladstone proceeded thus:—

"That transaction, my Lord Prevost, brings to mind the extraordinary value of the principle and practice and habits of local government, and local management of affairs in this country. * * * * * That is the kind of home rule such as you practised on the occasion of the cattle plague, which every man must witness with satisfaction, and must feel, that it is after all in the energy of individual character, and the sense of individual responsibility for public matters, and the facility of combination in our local community, that we see *laid the broad* and *solid* basis upon which is erected the fabric of national greatness."

Now, the tendency of this legislation from Ottawa upon such matters as issuing license for the sale of liquor is just the way to stamp out in the provinces the very embryo of political principles and this is principally the ground upon

which I oppose this measure. I oppose it because I believe the framers of the British North America Act clearly intended to leave in the hands of the provincial authorities the performance of all those duties which can be more properly and more profitably performed by them than they can be by the central Government. The central Government have very useful functions to perform, and there are questions, such as factory legislation, health legislation and cognate matters where it is necessary to have uniformity in the laws, but this Bill seems to me to be an unnecessary and impolitic interference with the rights of the provinces, and if this House could now be persuaded to drop this measure until the people of the country could have an opportunity of expressing their opinion upon it, I think it would be most desirable. I regret very much not only that the Government has brought down this Bill at so late a period of the session as to render it impossible for us to consider it clause by clause, as it should be considered, but they have thought proper without an appeal to the people to interfere with provincial rights.

HON. MR. TRUDEL—To my mind this question of jurisdiction is far from being settled. I certainly believe that the opinion which now prevails since the decision by the Supreme Court that this is a matter within the jurisdiction of this Parliament is not a correct one. I consider that it is a matter that deserves further attention, and that it is the duty of the Government to seriously undertake to settle at once and forever the question of jurisdiction. I think there are some matters in this Bill which are certainly within the purview of this Parliament, but my impression is that the greater number of the subjects with which it deals would be better in the hands of the local legislatures. If there is a country in the world where the centralization of power would bring serious wrongs on the country it is Canada, and there are many reasons why it is so. The vast area of country, and the differences of race, religion, nationality and local interests are elements in the composition of this federation such as render it necessary that the management of matters of purely local concern should be left entirely in the hands of the local legislatures. Many judgments have been rendered by provincial courts, establishing the right of local legislatures to deal with this question; but there have been contradictory judgments the last of which by the Supreme Court of Canada is from such a high authority that we cannot ignore it, though I do not give it that weight which is generally assigned to it. It is well known that those opinions are not what constitute jurisprudence; even a succession of expressions of opinion of this character do not constitute jurisprudence. I believe that we cannot remain without a law after the conflicting judgments that have been mentioned; some legislation is necesssary, and I regret that this Bill does not provide for temporary legislation to meet the present wants of the country, and in the meantime proper steps should be taken by the Government to come to a final settlement of the question of jurisdiction. My impression is that it would be very easy to do so. Some kind of convention might be called where all the Provinces, and the Dominion, should be properly represented, and there, if necessary, a basis could be agreed upon, or a case could be agreed upon to be submitted to the highest tribunal of the Empire for adjudication, but my impression is that a convention of representatives of the different provinces would be the best tribunal to decide this question. We ought not to lose sight of the fact that our present constitution has been framed in such a convention, but it was not treated as a legal question; it was treated as a question of the rights and requirements of the different parts of the Dominion, so that my impression is that the legislation adopted to-day should be considered as being without prejudice to the question of jurisdiction, and to be in force only so long as the question of jurisdiction remains unsettled. The same principle was adopted in relation to the western boundary of Ontario. It is well-known that that question is still unsettled, and in the meantime it was decided by the Government and by Parliament that until the boundary was finally defined the territory in dispute should be administered by Ontario. Whatever may be my doubts or my convictions as to the jurisdiction of this Parliament in relation to many of the subjects embraced in this measure, still

taking into consideration the fact that it is the result of conscientious and intelligent labor, and that it embodies in it principles which are of the greatest importance to this Dominion, I think the Bill should pass as it is. There is no doubt that intemperance is one of the greatest evils of this country, and I think it is our duty to adopt every means at our command to mitigate that evil. I find several clauses in this Bill which will have that tendency. For instance, there is the clause which provides that no liquor shall be sold in stores where other merchandise is offered for sale. Statistics prove that the custom of combining the groceries and liquor trade, is one of the main causes of intemperate habits, especially amongst women, for many persons who go to such a store to purchase necessaries of life are tempted to buy liquors.

There is also the important provision which restricts the number of licenses in proportion to the population. Knowing the great care and anxiety with which this Bill has been prepared by some of the ablest and most experienced members of the Commons, and feeling that under the circumstances we cannot remain without legislation of some kind in this direction, I consider it my duty to vote for this Bill as a tentative measure, and I hope it will pass.

HON. MR. PAQUET—I leave to the eminent lawyers who are members of this body the consideration of the constitutional question, and to decide whether or not we have jurisdiction, but from a humanitarian point of view, when we reflect upon the incalculable evils that result from drunkenness, of that social plague which robs England alone of 75,000 souls annually, besides sowing the seeds of innumerable diseases which the physician should desire to prevent, I am in favor of a measure as restrictive as possible. I admit unreservedly the propriety, the necessity of effective legislation to combat such an evil, but I protest with all my force against the manner in which this House is called upon to adopt a measure of such importance when it has only now been distributed. We have had time, it is true, to examine the Bill, such as it was when it was reported by the Committee to the House of Commons; but it has been considerably amended, and these amendments we have not had time to examine. I have the greatest confidence in the patriotism and bright intelligence of the hon. gentlemen of the Commons, but we have a duty to discharge towards society, and the hasty manner in which we are asked to pass this measure renders it absolutely impossible to give it the attention which it merits. If we remain in session longer, or if we postpone the measure until next session according to the notice given by the hon. member from Ottawa, (Mr. Scott), well and good: but to give our sanction to such a measure, under such circumstances is something which I have the honor respectfully but firmly to oppose.

HON. SIR ALEX. CAMPBELL—There is great force in the remark which my hon. friend has made with reference to the late period of the session at which this Bill appears before us, but that is unavoidable. Everyone who has had any parliamentary experience knows that it is almost inevitable that the introduction of some important bill is delayed till towards the end of the session. I can only trust to the forbearance of hon. gentlemen to take the measure as it is before them, and pardon its not being printed in French as we would desire to have it, and as it would have been if that could possibly have been done. If hon. gentlemen desire it, we shall remain here two or three days longer. There is no necessity to prorogue to-morrow, notwithstanding what has passed in the other House. Then, as regards the remarks made by the hon. member from Prince Edward Island, he must bear in mind that we cannot go beyond the law. If the law is really as this Bill pre-supposes it to be, and as there appears to be a general consensus of opinion in the other House—

HON. MR. POWER—Oh no!

HON. SIR ALEX. CAMPBELL—I do not think that even the leader of the Opposition expressed an opinion to the contrary.

HON. MR. TRUDEL—There was an expression of opinion but no motion.

HON. SIR ALEX. CAMPBELL—There is a very general expression of

opinion that it is necessary to legislate, in order that these provisions which exist in Prince Edward Island may have the effect of law, and that it is important to say what the law is on those points for the purpose of maintaining the rules and order which he says they are so careful about in the province from which he comes, and as are maintained in the other provinces. The other provisions of the Bill, as the hon. gentlemen from DeSalaberry and Ottawa say, have been very carefully prepared by eminent gentlemen, and I quite agree with them, and see the danger which might ensue if we were to attempt to amend the Bill now presented to us as a whole. It is the result of the concentration of labor and thought which have been given to it by the Committee who prepared it, and I can see the danger which would result if we tried to improve it here and there. The only particular in which I desire to amend it is to bring into play, by the suggestion of the chairman of the committee of the other House, who considered and framed it, some portions of the Act which goes under the name of the hon. gentleman from Ottawa. Otherwise, the Bill, I think, as a whole is complete and carried out into great detail with all necessary particularity. It was framed by the same minds throughout, and is in itself a complete measure which will work satisfactorily.

Then, with reference to the other point taken by the hon. gentleman from DeSalaberry, that it would be better to obtain a decision of the law courts in advance; that could not have been obtained in any way. There was no litigation going on which enabled us to do it then, and to have taken the opinion of the Supreme Court in advance of litigation would not have been usual or, perhaps, decorous, and there is no means of referring a matter of opinion of that kind to the Privy Council. You must have a case actually going on before the Privy Council to obtain a decision: therefore, there seemed to be no course for the Government to take, except to assume the responsibility of initiating legislation, and no doubt the time will come when the legality of this legislation will be decided by means of an actual case, and that actual case may go possibly to the Supreme Court and afterwards to the Privy Council. There was no way of doing that, and we had, therefore, to deal with the law as interpreted by the Privy Council in England. Assuming that to be the law, and finding, as I thought, that that was the general consensus of opinion with the legal profession, we had no recourse except to take the responsibility of introducing this measure.

HON. MR. BELLEROSE—I regret that I cannot agree with what has fallen from the Minister of Justice. It seems to me that besides the course which the Government have adopted there was another and a better one open—I believe the only one which ought to have been followed. For sixteen years the local legislatures have been dealing with this subject, and before the Federal Government assume the right to legislate in this direction they ought to be sure that they are not exceeding their jurisdiction. That is the ordinary argument used in legal questions; I believe that cannot be denied. It is admitted on both sides that there are difficulties, and if any exist I believe the matter ought to stand as it is until they are settled. The Minister of Justice says at present there is no case going on which would show where the power is.

HON. MR. POWER—There is a case now before the Supreme Court.

HON. MR. BELLEROSE—I am aware of that, and I will refer to it later on. But supposing there was none, it would be easy for the Government to make one and, before taking out of the hands of the local legislatures the powers which they have so long exercised (the authorities at Ottawa recognizing such exercise as proper) they should take some means to ascertain if they are right. The argument of the hon. gentleman is fallacious: it is to this effect, that when we pass this Bill cases will be brought up and decided. That is not the right course to pursue; bring up a case on the condition of affairs as it is now, and when we find that we have been wrong for sixteen years, then it will be time enough for this legislation. I believe that is the most logical view to take.

As to the Bill itself, I cannot say much, for the very good reason that I am in the same position as, I believe, nearly all the members of this House are—I do not

know what it is. I read over the Bill when it was submitted to the House of Commons, but it has been so amended that it has been changed to quite another measure.

The Minister of Justice says: "Let us sit a day or two more." That will not help us to do the work right. The general practice, and the proper one, in dealing with measures of such importance as this, has always been to bring them before the House and give time to read them over carefully so that there can be a thorough discussion on the principle and the details. That would take more than two or three days; but there is only a quorum in the House of Commons now, and suppose we should make important amendments to the Bill here, who would be left in the other House to deal with them? The quorum there is but twenty members out of 212. Is that the way to legislate on an important subject? I do not think it is—it would be contrary to what I believe to be right.

It is no use to argue that something must be done. There is no more necessity for it now than there was a year or ten years ago. Since there is no certainty that we have a right to deal with this subject let us leave the matter in the hands of the local legislatures. That is the logical course to take.

As to the Bill itself, I may say this: as it stands now, though I have had only a ew minutes to look it over, it does not seem to me to have received the consideration which a measure of such importance demands. I read one clause a few minutes ago and was surprised to find it in such a crude shape.

I will not say all that I have in my mind, but I believe that there is something behind this Bill—that it has not been drawn from the point of view of the Dominion but from the point of view of one Province. That is the conclusion to which I have come from a brief examination of the Bill itself. The fact that it has been passed in the other House does not prove that it has received the approval of a majority of the provinces. If that had been the case, I would have been forced to the conclusion that the representatives in that Chamber were not true to the provinces whose interests they were supposed to be there to guard. Had they been true to their provinces they would not have allowed this Bill to pass without raising the constitutional question and entering a protest against such a precedent. If this Bill should become law the argument could be used in the Courts that this Parliament believe the subject to be one within their jurisdiction. We know very well that where doubt exists such an argument can be used with effect. Undoubtedly a difficulty exists but there are principles of law by which it can be solved, I say we would not be true to the provinces which we represent if we were to allow the Federal Power to deprive the Provincial Legislatures of rights which they have exercised during the past 16 years. That is my argument and I believe that it is a sound one. I am therefore prepared to vote for any amendment to the effect that there being no certainty as to the right of this Parliament to deal with this question the Bill ought to be allowed to stand until there is a final decision upon the constitutional question.

HON. MR. POWER—The Minister of Justice made a remark a little while ago which I think was calculated to leave hon. gentlemen under a misapprehension. He intimated that there was a consensus of opinion amongst legal men to the effect that this legislation is necessary. I need only call the attention of this House to the fact that, when a motion was made by the right hon. leader of the Government in the other House for the appointment of a committee to deal with this question, the gentlemen that leads the Opposition, and who is admitted to be a good authority on legal and constitutional questions, made a most exhaustive and powerful speech going altogether to show that the Federal Parliament had nothing to do with this question, and had not the power to interfere with the granting of licenses for the sale of intoxicating liquors.

HON. MR. TRUDEL—He did not move in that sense.

HON. MR. POWER—He moved at the beginning that the committee should not be appointed.

HON. MR. PLUMB—He said it should be dealt with by the whole House.

HON. MR. POWER—It is not fair for

the hon. member for Niagara to make a statement of that kind.

HON. MR. PLUMB—I make the statement on my responsibility and I can show it in the debates.

HON. MR. POWER—I know as much about what took place as the hon. gentleman does: if he can produce any authority for what he says I shall aceept the correction, but not otherwise. Fortunately we are not left to the memory of the hon. gentleman from Niagara or any other member: we have the record of the House of Commons here, and we find that when the third reading of this Bill was moved, Mr. Fleming, acting on behalf of the Opposition offered the following amendment, which I think was prepared by the leader of the Opposition:—

To leave out all the words after the word "that" in the said motion, and to insert the following instead thereof:—"The Provincial Legislatures have since Confederation exercised legislative powers in the regulation of the issue of licenses for the sale of intoxicating liquors, and the hours and certain other incidents of the sale.

That the Appeal Courts of Ontario and Quebec have each decided in favor of the exercise by the Provinces of the Dominion of the jurisdiction, and the Appeal Court of Quebec has further determined that the Judgment of the Privy Council in Russell and the Queen does not decide that the Provincial Legislatures have not this jurisdiction.

That the questions involved are now under the consideration of the Supreme Court of Canada, and will shortly be brought under the consideration of the Privy Council.

That the Parliament of Canada should not assume jurisdiction as proposed by the said Bill until the question has been settled by the Court of last resort.

Then another amendment was moved by Mr. Robertson of Shelburne, in the same direction, as follows:—

"To leave out all the words after the word "that" in the said motion, and to insert the following instead thereof:—

'The general understanding since Confederation has been that under the Constitutional Act the Provinces have jurisdiction over the regulation and restriction of the issue of licenses for the sale of intoxicating liquors, the hours of sale, and certain other incidents of the business.

That the local character of the questions, and the use of the local machinery and institutions in dealing therewith, show that the public interest will be best served by the continuance of Provincial jurisdiction over these matters.

That a question as to such jurisdiction having been raised in the Gracious Speech from the Throne, the action of this House should be in the direction of procuring the removal of doubts by the establishment of the Provincial jurisdiction, instead of assuming jurisdiction as proposed by the said Bill."

Now I think the Bill that ought to have been passed is one simply embodying the substance of the 145th clause of this measure which is as follows:—

"Until the first day of May, in the year one thousand eight hundred and eighty-four, all the laws of Provincial Legislatures of the Dominion passed for regulating or restraining the traffic in liquors shall be and they are hereby made as valid and effective to all intents and purposes as if enacted by the Parliament of Canada."

That provision would have met any difficulty wnich could have arisen until the courts have given their decision. The hon. Minister of Justice suggested that he had some amendments to move. Now, if we are to try and make this anything like a workable measure we shall have to make a great many amendments. As one member of the House I am willing to let the Bill go through Committee just as it is. Practically it will not go into force until the 1st of May, 1884. Any gentlemen who will take the pains to read the Bill over will find that there are scores of amendments which must necessarily be made to this Bill before it is a workable measure; and consequently it is idle to make amendments to it now when perhaps dozens of further amendments will have to be made to it next Session. As it does not go into operation practically until next year, the best way would be (if it is not voted down as I hope it will be at the third reading) to let it go in its present form, and next year let one comprehensive measure including all necessaray amendments be introduced. If the Minister of Justice will take that course I shall have no objection to taking the clauses *en bloc*; if not we will fight it out clause by clause "if it takes all summer."

I think it only right to say a few words as to the constitutional question; and I shall refer to two or three cases which have been decided by the highest courts of the Dominion. In the case of Slaven vs. the corporation of Orillia, which was decided in the Court of Queen's Bench in Ontario in 1875, we find this principle laid down:—"By-laws passed by municipal corporations wholly pro-

hibiting the sale of spirituous liquors in shops and places other than houses of public entertainment, and limiting the number of tavern licenses to nine : held valid as being within the power of the corporation under 32, Vic., ch. 32, "O"; and that it was within the authority of the provincial legislature to confer such power, under the exclusive legislative authority given to them with regard to 'municipal institutions,' and to 'matters of a merely local or private nature' in the province; and was not an interference with 'the regulation of trade and commerce,' assigned exclusively to the Dominion Parliament."

I shall not trouble the House with reading the decision, but that is the head note. It will be observed that the court held—that the local legislature had the right to deal with it, because it was a municipal and local matter.

In the case of Russell vs. the Queen, the municipal right to deal with licenses never came up at all—was not brought to the notice of the court.

Last year there was a case decided in which this matter was fully argued, in the Ontario Court of Appeal : except the Supreme Court of Canada there is no higher court in the Dominion. That court held on this same question about licensing places for the sale of liquor and similar purposes :—

"By clause 8 of the 92nd section of the British North America Act, exclusive power is given to the Provincial Legislatures to make laws in relation to municipal institutions in the Provinces, and clause 9 gives similar power in relation to shop, saloon, tavern, auctioneer and other licenses, in order to the raising of a revenue for Provincial Local or Municipal purposes."

I have given two, decisions of the highest Court in the Province of Ontario : now I shall take the liberty of calling the attention of the House to a very recent decision of the highest Court in the Province of Quebec in the case of the corporation of Three-Rivers vs. Sulte. The Queen's Bench of Quebec unanimously decided to this effect—I read one of the head notes :—

"That at the time of confederation the right to prohibit the sale of intoxicating drinks existed as a municipal institution in the Provinces of Canada and in Nova Scotia, and consequently that it is to be deemed a municipal institution' within the meaning of sub-section 8, section 92, British North America act of 1867."

Now I call attention to this fact that while the Minister speaks of a consensus of opinion amongst lawyers, we have the highest Court in the Province of Quebec giving a decision directly in point after the decision in Russell vs. Queen, because the Court say at the end of their decision :—

"We have suspended our judgement in this case for an unusual length of time awaiting the decision of the Privy Council in the case of Russell vs. The Queen in the hope that we might find some rule authoritatively laid down which might help us in adjudicating on this case and in that of Hamilton and the Township of Kingsey. In this we have been, to some extent, disappointed. Their lordships have remained strictly within the issues submitted to them, and have held that the Canada Temperance Act of 1878 does not interfere with sub-sections 9, 13, and 16 of section 92 British North America Act; but that it is an act dealing with public wrongs rather than with civil rights, that it is a matter of general and not merely of a local or a private nature in the Province, and that if it affects the revenue of a province it is only incidentally. We need hardly say that this is only a very brief summary of their lordships' argument, but their reasoning will command general assent, not only owing to the source from which it comes, but also from its cogency. The Judicial Committee then lays down that the Dominion can pass a general prohibitory liquor law; it has specially declined to lay down any rule as to the other sub-sections than those submitted and the one alluded to by Chief Justice Ritchie; and therefore it has not either expressly or by implication maintained that the Dominion Parliament can alone pass a prohibitory liquor law, or rather a liquor law which is prohibitory except under certain conditions, as, for instance, subject to a license for the purposes of the revenue." And that court unanimously held after the decision of Russell and the Queen that the Legislature of the Province of Quebec had the right to deal with this matter. Now there is nothing in the decision in the case of Russell vs. The Queen which says otherwise. The decision in that case was that

the Scott Act did not come under sub-sections 9, 13 or 16 of section 92 of the British North America Act: any one can see that that Act is not a law providing for licenses for provincial purposes, that being a purely local matter.

HON. SIR ALEX. CAMPBELL—I have considered the suggestion made to adopt the Bill *en bloc* and upon conferring with my hon. friend from Ottawa on the subject I have concluded not to introduce the amendment which I had placed in my hands by the Chairman of the Committee in the other House, but to let the Bill go as it is. I move that the Committee rise and report the Bill.

HON. MR. FERRIER, from the Committee, reported the Bill without amendment.

HON. SIR ALEX. CAMPBELL moved that the Bill be read the third time presently.

HON. MR. SCOTT moved in amendment that the Bill be not now read the third time but that its consideration be deferred until the question of jurisdiction over the issue of licenses whether by the Federal Parliament or Provincial Legislatures, shall have been first decided.

The Senate divided on the amendment which was rejected by the following vote:—

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HON. MR. TRUDEL—To be consistent with what I have said on the question of jurisdiction I will move that the following be added as a new clause after clause 144:

145—Nothing in the present Act shal be construed as prejudicial to the rights of the local legislatures to deal with the matters reserved to their jurisdiction by the British North America Act, 1867.'

I think such a clause as that would represent the opinions of many of the members who voted for the Bill without prejudice to the question of jnrisdiction. It was an argument used by some of the opponents of the Bill that the present action of Parliament would be invoked before courts of justice as to a certain extent settling the question, and this clause would prevent anybody from contending before courts of justice that the passing of this Bill was an abandonment of provincial rights or that it was the intention of Parliament to prejudice those rights.

HON. MR. MILLER—My hon. friend has stated that this clause can do no harm, but it certainly can do no good. I contend that it can do harm in this way: that it will place this Parliament in a false position. We have no power prejudicially to interfere with the rights or jurisdiction of the local legislatures, and if we did attempt to interfere prejudicially with them, our action would be *ultra vires*, and it would be so decided in the courts. My chief objection in voting for an amendment like this is, it would appear as if Parliament knew no better than to suppose that we had the power to take away the rights of the provinces on this subject or any other subject.

HON. MR. MASSON—It would affirm our right to do so.

HON. MR. MILLER—Certainly, and would do no good.

HON. SIR ALEX. CAMPBELL—I hope my hon. friend from DeSalaberry will not press his amendment.

HON. MR. TRUDEL—I wish my motion to be on record in the Journals of the House.

HON. MR. BELLEROSE—I fail to see that this amendment can do any good. I

believe the hon. gentleman is quite in the wrong. He has expressed his opinion that the Bill is unconstitutional, and he is doubly wrong, therefore, in voting for it. For sixteen years the Local Legislatures have been dealing with this matter without disadvantage to the country, but since there is a majority in this House who are willing to centralize these powers into the hands of the Federal Parliament, there is no use in adopting this amendment. The courts will know that such a clause will give neither more nor less power to the Local Legislature. I believe the only thing we can do at present is to submit, and seek a decision adverse to that rendered by the Supreme Court. We cannot shut our eyes to the fact that we have on the Journals of this House decisions given by the Supreme Court that any layman will say are wrong. For that reason I will be all my life opposed to that Court. I have always opposed it, but I am not only opposed to it now, but I am its enemy for the future.

HON. MR. SCOTT—I hope the hon. gentleman from DeSalaberry will not press this motion, because it seems to me we are stultifying ourselves by its going on our records. It is an intimation to the Court that is called upon to try this question of jurisdiction that we do not want them to be influenced by the passing of this Bill. It is a very poor compliment to the Court assembled to suppose for a moment that they would take that view of it, and I think it would be a very poor compliment to the Senate of Canada to place it on record.

HON. MR. TRUDEL—It was considered by some hon. gentleman that in case of a doubt in the mind of the Court, the fact of the Parliament of Canada having passed such an Act would be invoked in favor of its constitutionality. It is with a view to prevent that argument from being used I have moved this amendment.

HON. MR. MILLER—It has no seconder.

HON. MR. DEBOUCHERVILLE—It is not necessary to have a seconder.

HON. MR. NELSON—I would like to call the attention of the House to the manner in which this Bill will affect British Columbia in some respects, and to show why its provisions should not be extended to that Province. In British Columbia there are a greater number of saloons and hotels under license than in any other portion of the Dominion. One of the reasons for that is the fact that two-thirds of the population are male adults. The effect of this Bill will be to bring about a great destruction of property and loss to parties who are at present holding those licenses In many cases these licenses are held by hotel-keepers with houses capable of accommodating twenty to twenty-five guests, and in many places quite a number of these will be done away with. In the town of Victoria, there are 65 licensed houses, and under this Act the number will be reduced to 16. In Yale there are 12 or 14 licensed houses, and this number will be reduced to two. The loss will fall with particular severity on those who have houses with from 14 to 24 bedrooms; it will average from three to four thousand dollars to each license holder. Then along the main roads that run into the interior we have wayside houses for the accommodation of travellers and the adoption of this law will be the means of closing up several of them, which will prove to be a great inconvenience to the people. I will move in amendment that the following be added to clause 143: "Save in the province of British Columbia, where the provincial laws shall remain in force until the first of January, 1885.".

HON. SIR ALEX. CAMPBELL—There will be another session of Parliament before that time.

HON. MR. NELSON—But the arrangements for giving effect to the law will begin in January, 1884, although none of the hotels will lose their licenses until the 1st of May.

HON. SIR ALEX. CAMPBELL—I think the hon. gentleman had better let the amendment stand until next session, when an opportunity will be afforded to consider the matter. There may be some exceptional circumstances in British Columbia which may lead the House to think that the time should be extended.

HON. MR. MILLER—The Bill will have to be amended next year.

HON. SIR ALEX. CAMPBELL—The Bill will have to be amended next year under any circumstances.

HON. MR. DEVER—Before the Bill is read the third time I wish to put myself right on this matter. I do not profess to know anything at all as to the question of jurisdiction, but I certainly like the principle of the Bill, though I would not vote for it if it were not for the fact that it is not coming into force until may 1884, and in the interim we will have an opportunity of making such amendments as may be considered necessary.

HON. MR. PLUMB—I regret very much, and I suppose that every member of this House regrets that we are called upon to legislate upon so important a question as this at so late a period of the session. Undoubtedly there are weighty reasons for the delay, but I cannot help saying that a responsibility is thrown upon us which I think ought not not to be thrown upon this House on such short notice. I believe that the Bill is in the interest of public morals; that it has been carefully drawn, and it is utterly impossible that we could deal with it in detail, and of the two evils, rejecting it, or taking it as it stands, after much consideration and with a good deal of anxiety in coming to the conclusion, I have decided, as far as I am concerned, to vote for the Bill as a whole, except with this amendment which I now propose:—

Provided that when under colour of any Provincial Law there are at the time of the passing of this Act more Licenses issued, than by the limit provided by this Act is permitted, the same number of Licenses may be issued until the 1st day of May, 1886, the limit however not to exceed one for every four hundred beyond one thousand of the population.

HON. MR. BELLEROSE—I believe there is a great objection to this amendment, and if it was carried out in the Province of Quebec there would be a door opened for the issuing of more licenses than are now granted. I do not think there are more licenses issued at present in that Province than one in every 600, and therefore this amendment would hardly be in keeping with a measure which has for its avowed object the improving of the morals of the people. For my own part I look upon the whole Bill as being of rather an injurious character.

HON. MR. PLUMB—If there is any serious objection to the amendment I certainly shall not press it at this time, and with the permission of the House I shall withdraw it.

HON. MR. TRUDEL—I do not wish hon. gentlemen to remain under the misapprehension which may have been created by the remarks of the hon. gentleman from Delanaudiere (Mr. Bellerose), as to the number of licenses issued in the Province of Quebec. I would state, for the information of the House, that by the statistics of the last census the number of taverns and stores in the larger centres of population such as Montreal and Quebec, will be very largely reduced. I would also mention that there is a clause which recognizes the right of the municipal councils to prohibit entirely the traffic in liquor.

The amendment was, with the consent of the House, withdrawn.

The Bill was then read the third time and passed on a division.

TheSenate adjourned at 2.20 p.m.

THE SENATE.

Ottawa, Friday, May 25th, 1883

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

THE SUPPLY BILL.

THIRD READING.

Bill (128), "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial years ending respectively the 30th June, 1883, and the 30th June, 1884, and for other purposes relating to the public service," was introduced and read the first time.

HON. SIR. ALEX. CAMPBELL moved the second reading of the Bill.

He said :—It has not been usual, so far as I know, for the person in charge of this Bill at all events, to criticize its contents. It is the grant necessary to carry on the public service during the years mentioned. I move that the 41st rule be suspended and the Bill be read the second time now.

HON. MR. ALEXANDER—Is there no member of this House who will make one single comment upon our voting away $32,000,000?

HON. MR. DEVER—It is a good thing to have it.

HON. MR. MILLER—We do not vote it; the House of Commons votes it.

HON. MR. ALEXANDER—I am surprised that the leader of the Opposition is not here in the discharge of his duty!

HON. MR. PLUMB—It shows the great confidence he has in the Government.

HON. MR. ALEXANDER—Before making one or two observations on this Bill, I desire to avail myself of this opportunity to compliment the leader of this House and the Government upon the improved management of the Senate. Different members of this body have again and again, during former sessions, remonstrated with the present Administration for keeping us here two months with the most trivial Bills, and that the measures which are considered of importance have not been brought up until within a few hours of the end of the Session. I can compliment the leader of the House upon an improvement this Session, that we were kept here two months and a half, the first six weeks of which were spent in generally adjourning after half an hour's sitting, and a fortnight spent by some Senators with great diligence in the local elections of Ontario —I do not think it is right for members of this body to pass the time thus which ought to be devoted to the interests of the country! How long is this partizan action to be carried on which is so calculated to injure this body in public estimation? I make no personal charge against any members of this House in connection with the local election, but I say that Senators who took part in it are insensibly dragging the good name of this body to the ground. They stamp us as a mere partizan body. Nothing could be more calculated to strengthen that feeling in the country, which I find has been increasing, for the abolition of the Senate. If that feeling should strengthen—if the industrious and intelligent people of this country who pay the taxes demand that the Senate shall be abolished, it will be very much due to such partizan action.

There is not time to enter upon a discussion of the details of this Supply Bill involving the expenditure of such a large amount of money. There are many items which I have no doubt my hon. friend, the member from Halifax, would willingly criticize, if the hon. member from Niagara would have patience with him—if he would not, as is his custom, discour age the hon. gentleman by trying to make it appear that the House generally is impatient—that my hon. friend lacks experience——

HON. MR. SKEAD—If the possession of long experience is worth anything, the hon. gentleman, who has had a great deal of it, should make a better use of it than he is doing to-day.

HON. MR. ALEXANDER—The enormous increase of the public expenditure this year, amounting to $4,000,000 is not wise. We cannot deny the fact that a very high tariff is at present imposed with the view of encouraging the growth of manufacturing industries in the Dominion. I have always advocated such a principle, but it is a question, now that such industries are becoming successful, whether we should go on increasing the tariff. The expenses of living in Canada are felt generally very excessive for so young a country. The Dominion is not rich. There may be an appearance of wealth. We see fine villa residences, rich equipages, but many of those who make this display of wealth terminate their career under different circumstances. I believe I state the fact when I say that the great body of our people feel now that the articles which enter into the daily consumption are too high. While certain barristers, merchants and speculators make incomes to support the present

apparent state of society, the great body of the people are struggling to keep up a respectable appearance. Every second man you meet will tell you that his income is insufficient to maintain his social position." When lower customs duties would suffice to protect those industries is the Government justified in raising a surplus of four millions? What is the result of the Government having such a large surplus? Simply most lavish expenditure. They act as if the sun would always shine upon them. They are like the imprudent merchaut or manufacturer who, because he enjoys a brief period of prosperity, enters upon a career of extravagance which lands him in embarrassment. It is with goverments, as with individuals; in the days of prosperity, we should prepare for any adverse change. If we should have bad harvests for two years in succession, we would find the present taxation oppressive, and the result would be general discontent.

We have also to consider whether, from the great encouragement given to manufacturers by the 35 per cent duty, we may not bring about over-production. If the markets should become glutted, instead of our people being employed as they are now, we would find a large number of mechanics and laborers thrown out of employment.

There are many items in this Supply Bill that I should have liked to comment upon; some may be legitimate, but others I believe to be unwise. I may refer to that part of the Estimates which proposes to subsidize a large number of railways through regions which are not fertile, and to which the Government are offering $3,500 per mile. The effect of this may be to induce municipalities that are poor to involve themselves, and they may enter upon works which they cannot finish; the money will be expended, the municipalities will be led into debt, and the Government will ultimately have to complete the roads. There are not more than two or three of the roads referred to that there is any probability of being built at all. Perhaps this may be a clever contrivance of the Government to appear to assist the various sections of our country, when the country will be unable to supplement such subsidies.

It would have been wise, with this large surplus, if the Government had devoted a large portion of the $4,000,000 towards meeting the obligations that we have incurred in counection with the Pacific Railway, the Welland Canal, and other large works. It is true there is a prospect of emigration going into the North-West, but that may not continue so large as at present expected; the sun may shine brightly to-day, but unforeseen clouds come tomorrow. Statesmen act upon the general experience of life and not upon the principle that the future can take care of itself. I shall not refer to a wasteful and foolish expenditure sanctioned by this body, as the leader of the Opposition is not here.

HON. MR. POWER—What was the expenditure?

HON. MR. ALEXANDER—I do not wish to mention it in the hon. gentleman's absence, as I was going to charge him with acquiescing in the same. This can be reserved until a future occasion—I have felt it my duty not to let the Supply Bill pass through without those observations which I have thus ventured to make.

The motion was agreed to, and the Bill passed its final stages.

The Senate adjourned during pleasure.

At half past three o'clock p.m. HIS EXCELLENCY THE GOVERNOR GENERAL being seated upon the Throne, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in Her Majesty's name, by His Excellency the Governor General, viz:—

An Act to authorize the raising by way of loan of certain sums of money required for the Public Service.

An Act to incorporate "The Central Bank of Canada."

An Act respecting the Citizens Insurance Company of Canada.

An Act further to reduce the capital stock of the Quebec Fire Assurance Company.

An Act to incorporate the Bank of London, in Canada.

An Act to amend the Acts respecting procedure in criminal cases, and other matters relating to Criminal Law.

An Act to incorporate "Les Révérends Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest."

An Act to amend "An Act to incorporate the Ontario and Quebec Railway Company."

An Act to incorporate the University of Saskatchewan and to authorize the establishment of colleges within the limits of the Diocese of Saskatchewan.

An Act to provide for the amalgamation of the Bank of Nova Scotia with the Union Bank of Prince Edward Island.

An Act to empower the National Insurance Company to wind up its affairs and relinquish its charter, and to provide for the dissolution of the said Company.

An Act to incorporate "The Manitoba and North Western Fire Insurance Company."

An Act respecting the "Crédit Foncier Franco-Canadien."

An Act to amalgamate the Presbyterian Ministers' Widows' and Orphans' Fund in connection with the Presbyterian Church of the Lower Provinces, and the Widows' and Orphans' Fund of the Presbyterian Church in the Maritime Provinces in connection with the Church of Scotland, and to create a corporation to administer such funds.

An Act to incorporate the Royal Society of Canada.

An Act to incorporate the Brant County Bank of Canada.

An Act to amend the Act incorporating the Atlantic and North-West Railway Company.

An Act respecting the Montreal, Ottawa and Western Railway Company, and to change the name thereof to the "Montreal and Western Railway Company."

An Act to amend the Act to incorporate the Ontario Pacific Railway Company.

An Act to amend the Act incorporating "The Great Eastern Railway Company."

An Act to incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada, for Manitoba and the North West.

An Act to amend the Act incorporating the Kingston and Pembroke Railway Company, and the Act amending the same.

An Act to amend the "Act to incorporate the London and Ontario Investment Company, Limited."

An Act to amend the Act passed in the forty-fifth year of the reign of Her present Majesty, intituled "An Act to repeal the duty on promissory notes, drafts and bills of exchange."

An Act to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations."

An Act to amend the several Acts incorporating the "Portage, Westbourne and North Western Railway Company," and to change the name thereof to the "Manitoba and North Western Railway Company of Canada."

An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway Company.

An Act to incorporate the Davis and Lawrence Company.

An Act to grant certain powers to the Acadia Powder Company.

An Act to incorporate the Dominion Phosphate and Mining Company.

An Act further to amend an Act intituled "An Act relating to Banks and Banking" and the several Acts amending the same.

An Act to incorporate the Wood Mountain and Qu'Appelle Railway Company.

An Act to amend the Act to incorporate the North Western Bank.

An Act to incorporate the Royal Canadian Passenger Steamship Company, (Limited.)

An Act to continue "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Farmers' Bank of Rustico."

An Act to incorporate the Cumberland Coal and Railway Company.

An Act to incorporate a company under the name of "The Rathbun Company."

An Act to incorporate the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.

An Act to incorporate the Quebec and James' Bay Railway.

An Act to incorporate "The Grange Trust, (Limited)."

An Act to amend and continue in force the Act incorporating the Grafton Harbor Company, and for other purposes.

An Act further to amend "The General Inspection Act, 1874."

An Act to amend the Act to incorporate the Northern, North Western and Sault Ste. Marie Railway Company, and to change the name of the said Company to the Northern and Pacific Junction Railway Company.

An Act further to amend the Acts relating to the New Brunswick Railway Company.

An Act further to amend the Act respecting the Harbor of Pictou.

An Act to amend the "Act to incorporate the Chignecto Marine Transport Railway Company, (Limited.)"

An Act to incorporate "The Pacific and Peace River Railway Company."

An Act to incorporate the Saskatchewan and North Western Railway Company.

An Act to unite the Winnipeg and Hudsons Bay Railway and Steamship Company and the Nelson Valley Railway and Transportation Company into one corporation, under the name of "The Winnipeg and Hudson's Bay Railway and Steamship Company."

An Act for the better prevention of fraud in relation to contracts involving the expenditure of public moneys.

An Act to amend and consolidate the Acts respecting the Customs.

An Act to amend "The Post Office Act, 1875."

An Act further to amend the Act respecting the incorporation of a Company to establish a Marine Telegraph between the Pacific Coast of Canada and Asia.

An Act respecting booms and other works constructed in navigable waters whether under the authority of Provincial Acts or otherwise.

An Act to incorporate the Railway Trust and Construction Company of Canada, (Limited).

An Act respecting the Canadian Pacific Railway Company.

An Act to incorporate the Quinze Pier, Boom and Improvement Company.

An Act to amend "The Dominion Elections Act, 1874."

An Act to amend "An Act respecting the Offices of Receiver General and the Minister of Public Works," as to the powers of the Minister of Railways and Canals.

An Act respecting the Harbor Master of the Harbor of Three Rivers.

An Act to amend "An Act to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada."

An Act to authorize the Grand Trunk Railway Company of Canada to extend their traffic arrangement with the North Shore Railway Company to fifty years from the date thereof.

An Act respecting the Northern Railway Company of Canada.

An Act to amend "The Canada Civil Service Act, 1882."

An Act to amend the Act respecting the Credit Valley Railway Company.

An Act to incorporate "The Canadian Rapid Telegraph Company (Limited)."

An Act respecting certificates to Masters and Mates of Inland and Coasting ships.

An Act consolidating and amending the several Acts relating to the Militia and Defence of the Dominion of Canada.

An Act to amend the Act incorporating the European, American, Canadian and Asiatic Cable Company (Limited), and to change the name thereof to "The American, British and Continental Cable Company (Limited)."

An Act to amend the Patent Act of 1872."

An Act to consolidate and amend the several Acts respecting the Inland Revenue.

An Act further to amend and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned.

An Act to make further provision respecting the Regulation and Collection of tolls on Government timber slides and other works constructed to facilitate the transmission of timber, lumber and sawlogs.

An Act to amend An Act of the present session, intituled "An Act to incorporate the Railway Trust and Construction Company of Canada, (Limited)."

An Act relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island.

An Act to amend the law respecting Lotteries.

An Act to make provision for the taking of evidence in relation to criminal matters pending in Courts of Justice in any other of Her Majesty's Dominions or before foreign tribunals.

An Act further to amend "The Interpretation Act."

An Act for granting certain powers to the Canadian Electric Light Company.

An Act to amend the Act thirty-six Victoria, chapter sixty-two, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbor.

An Act to amend the Act thirty-eighth Victoria, chapter fifty-six, intituled "An Act respecting the Graving Dock in the Harbor of Quebec, and authorizing the raising of a loan in respect thereof."

An Act to make further provision for deepening the Ship Channel of the River St. Lawrence, between Montreal and Quebec.

An Act for authorizing subsidies for the construction of lines of Railway therein mentioned.

An Act to provide for the salaries and superannuation and travelling allowances of certain Judges of certain Provincial Courts.

An Act to provide for advances to be made by the Government of Canada to the Saint John Bridge and Railway Extension Company.

An Act to amend an Act of the present session respecting Booms and other works constructed in navigable waters, whether under the authority of Provincial Acts or otherwise.

An Act to extend to British Columbia the Act relating to fishing by Foreign Vessels.

An Act respecting the High Court of Justice of Ontario.

An Act to amend and consolidate the Acts relating to the superannuation of persons employed in the Civil Service of Canada.

An Act to amend the Act thirty-sixth Victoria, chapter four, intituled "An Act to provide for the establishment of the Department of the Interior" and to amend "The Indian Act, 1880."

An Act further to amend the Tariff of Duties of Customs.

An Act to legalize proceedings taken for the naturalization of certain Aliens in the Province of Manitoba.

An Act to continue for a limited time the Acts therein mentioned.

An Act to encourage the manufacture of Pig Iron in Canada, from Canadian ore.

An Act to amend and consolidate the Laws relating to Penitentiaries.

An Act respecting the sale of intoxicating liquors, and the issue of licenses therefor.

An Act further to amend the Consolidated Railway Act of 1879, and to declare certain lines of railway to be worked for the general advantage of Canada.

Then the Honorable the Speaker of the House of Commons addressed His Excellency the Governor General as follows :

"MAY IT PLEASE YOUR EXCELLENCY,

"The Commons of Canada have voted the Supplies required to enable the Government to defray the expenses of the Public Service.

"In the name of the Commons, I present to Your Excellency a Bill intituled :—

'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1883, and the 30th June, 1884, and for other purposes relating to the Public service, to which I humbly request Your Excellency's assent.'

To this Bill the Royal assent was signified in the following words :

"In Her Majesty's name, His Excellency the Governor General thaks Her Loyal subjects, accepts their benevolence, and assents to this Bill."

After which His Excellency the Governor General was pleased to close the FIRST SESSION of the FIFTH PARLIAMENT of the DOMINION with the following

SPEECH :

Honorable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I desire to thank you for the diligence and earnestness with which you have performed your duties during this protracted session.

The large sums which the buoyant state of the Revenue has enabled you to appropriate in aid of the construction of railways and the great works of internal improvement will be carefully applied and economically expended, and must contribute in a large measure to the prosperity and progress of the Country.

The Dominion Lands Bill which embodies the results of the experience acquired during the last two years will, it is believed, greatly assist and encourage the settlers now flowing in such unprecedented numbers into Manitoba and the North-West Territories.

The amendments to the laws respecting the Militia will tend to improve the discipline, training and military education of that invaluable force.

The consolidation and amendment of the Statutes relating to the management of the Customs, while protecting the honest trader against fraudulent and dishonest competitors, will free the commerce of the Country from some of the restraints imposed on it by the previously existing laws.

The re-adjustment of the tariff and the reduction of duties on the raw materials used in our manufactures, together with the bounty granted on the production of Pig Iron, must aid in the further developement of Canadian industries.

It is gratifying also to know that the financial position of the Public Treasury has enabled you to lower the pressure of taxation by more than a million of dollars.

The Bill for the regulation of shop, saloon, and tavern licenses must have the effect of preventing the unrestrained sale of intoxicating liquors in every Province of the Dominion, and affords an efficient system for its successful operation freed from the suspicion of political bias or control ; while at the same time it will not unduly interfere with the rights of those who had engaged in the trade under the authority of Legislative enactments.

Gentlemen of the House of Commons :

I return you my thanks for the supplies you have granted for the various public services.

Honorable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I desire to thank you for the great honour conferred on me by the presentation of a joint Address. The Princess and I have both been profoundly touched by your words ; and the message of which you make us the bearers comes, as we personally know, from a people determined to maintain the Empire.

The severance of my official connection with Canada does not loosen the tie of affection which will ever make me desire to serve this country.

I pray that the prosperity I have seen you enjoy may continue, and that the blessing of God may at all time be yours to strengthen you in Unity and Peace.

The SPEAKER of the Senate then said :—

Honorable Gentlemen of the Senate and

Gentlemen of the House of Commons :

It is HIS EXCELLENCY THE GOVERNOR GENERAL'S will and pleasure, that this Parliament be prorogued until Wednesday, the 4th day of July next to be here held, and this Parliament is accordingly prorogued until Wednesday, the 4th day of July next.

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PART II. is the Index to subjects of Debate.

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Abbreviations of well-known words and Parliamentary expressions are used, as the following:—Amt., Amendment; Appt., Appointment; B., Bill; Com., Committee; Conc., Concurrence; Corresp., Correspondence; Dischgd., Discharged; Divn., Division; H. E., His Excellency; H. M., Her Majesty; Incorp., Incorporation; Inqy., Inquiry; M., Motion, Moved; Res., Resolution; Ry., Railway; W., Whole House; Withdn., Withdrawn.

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1°*, 121; 2°, 170; in Com.*, 172, 173; Amts. in Com., 218-223; conc. & 3°*, 223. Assent, 681. (46 *Vict., cap.* 37.)

(K, 96) Respecting booms and other works constructed in navigable waters whether under the authority of Provincial Acts or otherwise.—(*Sir A. Campbell.*)
1°*, 134; 2°, 153-7; in Com. & 3°*, 160. Conc. in *Commons* Amts., 407-8, 419. Assent, 681. (46 *Vict., cap.* 43).
(*Amended by Bill* Y.)

(L, 103) To amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations."—(*Sir A. Campbell.*)
1°*, 134; 2°, 162; in Com. & 3°*, 172. Assent, 681. (46 *Vict., cap.* 23.)

(M) For the protection of Settlers on Dominion Lands in Manitoba and the North-West Territories.—(*Mr. Reesor.*)
1°*, 143; 2°, order for, 165, postponed, 170; B. withdn., 349.

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(N) Respecting certain offences against the State.—(*Sir A. Campbell.*)
1°*, 171 ; 2°, 300; referred to Select Com., 303.

(O, 122) To amend the Patent Act of 1872. (*Sir A. Campbell.*)
1°*, 281 ; 2°, 334 ; in Com., 351 ; reported & 3°*, 352. Assent, 681. (46 *Vict., cap.* 19.)

(P, 125) To make provision for the taking of evidence in relation to Criminal matters pending in Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals.—(*Sir A. Campbell.*)
1°*, 336 ; 2°, 368 ; in Com. & 3°*, 382. Assent, 681. (46 *Vict., cap.* 35.)

(Q, 124) Respecting the High Court of Justice of Ontario.—(*Sir A. Campbell.*)
1°*, 336; 2°, 369; in Com. & 3°*, 382. Assent, 681. (46 *Vict., cap.* 10.)

(R, 123) Respecting County Court Judges in the Province of Ontario.—(*Sir A. Campbell.*)
1°*, 336 ; 2°, 369 ; in Com. & 3°*, 382.

(S) Further to amend the Indian Act of 1880.—(*Sir A. Campbell.*)
B. withdrawn, 410.

(T, 135) Relating to Bills of Exchange and Promissory notes in the Province of Prince Edward Island.—(*Sir A. Campbell*).
1°*, 419; 2°, 460; in Com. & amd.*, 557; 3° m., Amt. in wording suggested (*Mr. Power*) 558; 3°, & wording amd., 572. Assent, 681. (46 *Vict., cap.* 22)

(U, 136) To amend the law respecting Lotteries.—(*Sir A. Campbell*).
1°*, 532; 2° (& ques. as to legislative jurisdiction) 555; re-com. & amd. (defining nature of B.) rep. & Amts. concd. in, 557-8; 3°*, 572. Assent, 681. (46 *Vict., cap.* 36).

(V, 140) To legalize proceedings taken for the naturalization of certain Aliens in the Province of Manitoba.—(*Sir A. Campbell*).
1°*, 569; 2°, 587; 3°*, 594. Assent, 681. (46 *Vict., cap.* 31).

(W, 139) To amend the Act thirty-sixth Victoria, chapter four, intituled "An Act to provide for the establishment of the Department of the Interior" and to amend "The Indian Act, 1880."—(*Sir A. Campbell.*)
1°, Rule 41 suspended & 2°, 3°, 594-5. Assent, 681. (46 *Vict., cap.* 6)

(X, 141) To amend an Act of the present Session, intituled "An Act to incorporate the Railway Trust and Construction Company of Canada, (Limited)."—(*Mr. Vidal.*)
(*Amending B.* 41.) Rules 57 & 41 suspended, & B. 1°, 2° & 3°, 595. Assent, 681. (46 *Vict., cap.* 76.)

(Y, 144) To amend an Act of the present Session respecting booms and other works constructed in navigable waters, whether under the authority of Provincial Acts or otherwise.—(*Sir A. Campbell.*)
(*Amending* Bill K.)
Ques. of Procedure, 612; Rule 46 suspended, & B. 1°, 2° & 3°, 613. Assent, 681. (46 *Vict., cap.* 44).

(5) For the better prevention of fraud in relation to contracts involving the expenditure of public moneys.—(*Mr. Scott.*)
1°*, 160 ; 2°, 277 ; in Com.*, 345 ; conc. in Amts. of Com.*, 370 ; 3°m, 375 ; Amt. (*Mr. Alexander*) to re-com. & add cl. 4 (Election bribes) 375, withdwn., 381 ; 3°, 381. Assent, 681. (46 *Vict., cap.* 32.)

(7) To amend the Criminal Law, and to extend the provisions of the Act respecting offences against the person.—(*Mr. Scott.*)
1°*, 160 ; 2°, 276 ; reference to Com. of W. deferred, 303; in Com. & reported *, 344 ; Amt. to 3°, 6 months' "hoist" (*Mr. Almon*) carried (C. 42, N-C. 13) 345.

(10) To provide for the amalgamation of the Bank of Nova Scotia with the Union Bank of Prince Edward Island. (*Mr. Power.*)
1°*, 170; 2°, & ques. of report from Standing Ord. Com., 178; conc. in Rep. of Banking Com., 237 ; 3°*, 239. Assent, 681. (46 *Vict , cap.* 48.)

(13) To provide for the punishment of Seduction and like offences.—(*Mr. Power.*)
1°*, 160; 2°, 250-5, 256-71, passed 2° on a divn., 271; referred to a Select Com., 271 ; rep. of Com. (postponing legislation) conc. m. (*Sir A. Campbell*) 310, agreed to, 314.

(16) To incorporate "The Central Bank of Canada."—(*Mr. Simpson.*)
1°*, 115 ; 2°, 125; 3°*, 134. Assent, 681. (46 *Vict., cap.* 50).

(18) To incorporate the University of Saskatchewan and to authorize the establishment of Colleges within the limits of the Diocese of Saskatchewan.—(*Mr. Allan.*)
1°*, 160 ; 2°, 172, 213 ; m. to re-com. & amd. property clause (*Mr. Allan*) 214 ; 3°, with similar Amt., 215. Assent, 681. (46 *Vic , cap.* 47).

(19) To incorporate "Les Révérends Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest."—(*Mr. Girard.*)
1°*, 170 ; 2°, & ques. of report from Standing Ord. Com., 179 ; 3°*, 226. Assent, 681. (46 *Vict. cap.* 96).

(20) To empower the National Insurance Company to wind up its affairs and relinquish its Charter, and to provide

for the dissolution of the said Company. —(*Mr. Bellerose.*)
1°*, 186 ; 2°, 225 ; 3°*, 239. Assent, 681. (46 *Vict. cap.* 82).

(21) To authorize the raising by way of loan of certain sums of money required for the Public Service.—(*Sir A. Campbell.*)
1°*, 55 ; 2°, 68-85 ; Remarks, *Mr. Plumb*, 89 ; in Com , 91 ; 3°*, 105. Assent, 681. (46 *Vict., cap.* 3.)

(22) Respecting the "Crédit Foncier Franco-Canadien."—(*Mr. Plumb.*)
1°*, 171 ; restored to Order paper, 179 ; 2°, 211 ; 3°*, 239. Assent, 681. (46 *Vict., cap.* 85.)

(23) Further to reduce the Capital Stock of the Quebec Fire Assurance Company. (*Mr Pelletier.*)
1°*, 171 ; 2°, 180 ; 3°*, 215. Assent, 681. (46 *Vict., cap.* 83.)

(24) To incorporate " The Manitoba and North Western Fire Insurance Company."—(*Mr Girard.*)
1°, ques. of time for Private Bills, & of reference to Standing Ord. Com., 160 ; 2°, & further discussion as to report from proper Com , 173-8 ; 3°*, 239. Assent, 681. (46 *Vict., cap.* 84.)

(25) To amend the Law respecting Cruelty to Animals.—(*Mr. Skead.*)
1°*, 384 ; 2°, 388 ; in Com., 408 ; m. (*Mr. Miller*, on remarks of *Sir A. Campbell*) that Com. rise, agreed to on a divn., 409.

(26) To incorporate a Company under the name of " The Rathbun Company."—(*Mr. Read.*)
1°*, 204 ; m. (*Mr. Read*) to restore to Order paper, for 2°, 226 ; 2° (& ques. of legislative jurisdiction) 244-250 ; conc. in Amts. of Standing Ord. Com. & 3°*, 336. Assent, 681. (46 *Vict., cap.* 89.)

(27) To amend " An Act to incorporate the Ontario and Quebec Railway Company."—(*Mr. Allan.*)
1°*, 158 ; 2°, 171; rep. from Ry. Com.*, 194. Assent, 681. (46 *Vict., cap.* 58).

(28) To continue " An Act to incorporate sundry persons by the name of the President, Directors and Company of the Farmers' Bank of Rustico."—(*Mr. Haythorne.*)
1°*, 225 ; 2°, 271-3 ; conc. in Amts. of Banking Com. & 3°*, 300. Assent, 681. (46 *Vict.. cap.* 49.)

(29) To incorporate the Bank of London, in Canada.—(*Mr. Leonard.*)
1°*, 160 ; 2°, 173 ; 3°*, 216. Assent, 681. (46 *Vict., cap.* 52).

(31) Consolidating and amending the several Acts relating to the Militia and Defence of the Dominion of Canada.—(*Sir A. Campbell.*)
1°*, 384; 2°, 391-407; in Com., 412-8; on cl. 64 (discipline when in uniform) 418-9, Amt. m. (*Mr. Ryan*) 459, accepted & B. reported*, 482 ; conc. in Amt., 482 ; 3°, 483-4. Explanation on quotations (*Mr. Power*) 457. Assent, 681. (46 *Vict., cap.* 11).

(34) To amend and consolidate the Acts respecting the Customs.—(*Sir A.Campbell.*)
1°*, 336 ; 2°, 352 ; in Com., amd. & reported *, 374-5 ; 3°*, 382. Assent, 681. (46 *Vict., cap.* 12.)

(36) To amend the Act incorporating the Kingston and Pembroke Railway Company, and the Act amending the same. (*Mr. Plumb.*)
1°*, 237 ; 2°, 279 ; 3°*, 281. Assent, 681. (46 *Vict., cap.* 64.)

(37) To incorporate the Royal Society of Canada —(*Mr. Bourinot.*)
1°*, 186 ; 2°*, 226 ; 3°*, 239. Assent, 681. (46 *Vict., cap.* 46).

(40) To grant certain powers to the Acad. Powder Company.—(*Mr. Almon.*)
1°*, 237 ; 2° (& ques. of legislative jurisdiction) 275 ; 3°*, 304. Assent, 681. (46 *Vict., cap.* 94).

(41) To incorporate the Railway Trust and Construction Company of Canada, (Limited).—(*Mr. Simpson.*)
1°*, 336 ; 2°, 353-5 ; conc. in Amts. of Banking Com., 391 ; 3°*, 409. Assent, 681. (46 *Vict., cap.* 75.)
(*Amended by Bill* X, *above*).

(42) To amend and continue in force the Act incorporating the Grafton Harbor Company, and for other purposes.—(*Mr. Flint*).
1°*, 237 ; m. to restore to Order paper for 2°, 315 ; 2° (& ques. of legislative jurisdiction) 350 ; 3°*. 389. Assent, 681. (46 *Vict , cap.* 93).

(43) To amend " An Act to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada."—(*Mr. Vidal*).
1°*, 204 ; 2°, 226 ; 3°*, 239. Assent, 681. (46 *Vict., cap.* 95.)

(44) To incorporate " The Grange Trust, (Limited)."—(*Mr. Plumb*).
1°*, 314 ; 2°, 345 ; 3°*, 384. Assent, 681. (46 *Vict., cap.* 86).

(45) Further to amend and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominio therein mentioned.—(*Sir A. Campbell.*)
1°*, 390 ; 2°, 448-456, 463-474 ; on reference to Com. of W., 484 ; in Com., 492, 501; on 31st cl., m. (*Mr. Power*) to add sub-sec. (cultivation) 504, lost on a divn, 505 ; on 42nd cl., 2 Amts. (*Mr. Power*) respecting Regulns., accepted, 507 ; B. reported & Amts. concurred in *, 511 ; on m. for 3°, Amt. (*Mr. Power*) to add sub-sect. (cultivation) to cl. 31, 525, lost on a divn., 530 ; Amt. (*Mr. Power*) to omit words (3 years' residence) from cl. 37, lost on divn.,

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530 ; Amt. (*Mr. Power*) to add proviso (cultivation) after cl. 38, withdwn., 530 ; Amt. (*Mr. Reesor*) to insert proviso (cultivation) 530, lost on divn., 531 ; B. 3° on a divn., 531. Assent, 681. (46 *Vict., cap.* 17.)

(46) Further to amend an Act intituled : "An Act relating to Banks and Banking," and the several Acts amending the same.—(*Sir A. Campbell.*)
1°*, 171 ; 2°, 179 ; Amts. in Com. (Easter Monday holiday, &c.) 224 ; conc.*, 225 ; Amt. to 3° (*Mr. Read*) to re-com. & strike out Easter Monday holiday, 241, negatived (C. 19, N-C. 32) 244 ; 3°*, 244. Assent, 681. (46 *Vict., cap.* 20.)

(48) To incorporate the Wood Mountain and Qu'Appelle Railway Company.—(*Mr. Allan.*)
1°*, 225 ; 2°*, 228 ; Amt. of Ry. Com., 228 ; conc. & 3°*, 228. Assent, 681. (46 *Vict., cap.* 74.)

(49) To incorporate the Dominion Phosphate and Mining Company. (*Mr. Allan.*)
1°*, 170 ; 2° (& ques. of legislative jurisdiction) 181-5 ; 3°*, 226. Assent, 681. (46 *Vict., cap.* 91.)

(50) To amend an Act respecting the Credit Valley Railway Company.—(*Mr. Allan.*)
1°*, 204 ; 2°, 227 ; conc. in Amts. of Ry. Com., 370 ; 3° m, 371, postponed (& notice of Amt. by *Mr. Power*) 373 ; Amt. (*Mr. Allan*) *re* present & pending arrangements, &c, agreed to 381 ; 3°, 381. Conc. in *Commons* Amts.*, 525. Assent, 681. (46 *Vict., cap.* 57).

(51) To amend the "Act to incorporate the Chignecto Marine Transport Railway Company, (Limited.)"—(*Mr. Bourinot.*)
1°*, 300 ; 2°, 335 ; conc. in Amts. of Ry. Com.*, 367 ; 3°*, 375. Assent, 681. (46 *Vict., cap.* 60.)

(52) To incorporate the Brant County Bank of Canada.—(*Mr. McClelan.*)
1°*, 225 ; 2°, 230-7 ; 3°*, 277. Assent, 681. (46 *Vict., cap.* 51.)

(53) To amend the "Act to incorporate the "London and Ontario Investment "Company, Limited."—(*Mr. Plumb.*)
1°, & ques. as to report from Standing Ord. Com., 204 ; 2°, 226 ; 3°*, 239. Assent, 681. (46 *Vict., cap.* 87.)

(54) To incorporate the Quebec and James' Bay Railway Company.—(*Mr. Bellerose.*)
1°*, 280 ; 2°, 335 ; conc. in Amts. of Ry. Com. & 3°*, 367. Assent, 681. (46 *Vict., cap.* 70).

(55) To incorporate the Royal Canadian Passenger Steamship Company (Limited).—(*Mr. Plumb.*)
1°*, 228 ; 2°, 278 ; 3°*, 334. Assent, 681. (46 *Vict., cap.* 88.)

(57) Further to amend the Acts relating to the New Brunswick Railway Company. —(*Mr. Botsford.*)
1°*, 344 ; 2°, 382 ; 3°*, 389. Assent, 681. (46 *Vict., cap.* 59.)

(58) To amend the several Acts incorporating the "Portage, Westbourne and North Western Railway Company," and to change the name thereof to the "Manitoba and North Western Railway Company of Canada."—(*Mr. Plumb.*)
1°*, 204 ; 2°, 227 ; rep. from Ry. Com.*, 280 ; conc. & 3°*, 296. Assent, 681. (46 *Vict., cap.* 68).

(59) To amend the Act incorporating the Atlantic and North West Railway Company.—(*Mr. Power.*)
1°*, 225 ; 2°, 228 ; 3°*, 280. Assent, 681. (46 *Vict., cap.* 63.)

(63) To amalgamate the Presbyterian Ministers' Widows' and Orphans' Fund in connection with the Presbyterian Church of the Lower Provinces, and the Widows' and Orphans' Fund of the Presbyterian Church in the Maritime Provinces in connection with the Church of Scotland, and to create a corporation to administer such funds.—(*Mr. Bourinot.*)
1°*, 172 ; 2° & referred to Standing Ord. Com., 204 ; 3°*, 239. Assent, 681. (46 *Vict., cap.* 98.)

(64) To incorporate "The Pacific and Peace River Railway Company."—(*Mr. Miller.*)
1°*, 336 ; 2°, 353 ; 3°*, 384. Assent, 681. (46 *Vict. cap.* 73.)

(65) To amend the Act to incorporate the Ontario Pacific Railway Company.—(*Mr. Power.*)
1°*, 237 ; 2°, 275 ; 3°*, 280. Assent, 681, (46 *Vict., cap.* 66.)

(66) To incorporate the Quinze Pier, Boom and Improvement Company.—(*Mr. Skead.*)
1°*, 388 ; 2°, 409 ; 3°*, 457 Assent, 681. (46 *Vict., cap.* 92.)

(67) Respecting the Citizens' Insurance Company of Canada.—(*Mr. Bellerose.*)
1°*, 160 ; 2°, 172 ; rep. from Com. with Amt.* & 3°*, 186. Assent, 681. (46 *Vict., cap.* 81.)

(70) To amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway Company.—(*Mr. McMaster.*)
1°*, 277 ; 2°*, 300 ; 3°*, 304. Assent, 681. (46 *Vict., cap.* 65.)

(71) To incorporate the Cumberland Coal and Railway Company.—(*Mr. Macfarlane.*)
1°*, 277 ; 2°, 300 ; conc. in Amts. of Ry. Com., 355 ; 3°*, 356. Assent, 681. (46 *Vict., cap.* 77.)

(72) To incorporate the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.—(*Mr. Vidal.*)
1°*, 277 ; 2°, 299 ; 3°*, 333. Assent, 681. (46 *Vict., cap.* 72.)

(73) Respecting the Montreal, Ottawa and Western Railway Company, and to change the name thereof to the "Monreal and Western Railway Company."—(*Mr. Bellerose.*)
1°*, 186; 2°, & ques. of report from Standing Ord. Com., 225; 3°*, 280. Assent, 681. (46 *Vict., cap.* 62).

(74) To incorporate the Saskatchewan and North Western Railway Company (*Mr. Sutherland.*)
1°*, 314; 2°, 349; conc. in Amts. of Ry. Com., 384-7; 3°*, 387. Assent, 681. (46 *Vict., cap.* 71.)

(75) To incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada, for Manitoba and the North West.—(*Mr. Wark.*)
1°*, 172; referred to Standing Ord. Com. for report, 180; reported *, 225; 2°, 237; 3°* 280. Assent, 681. (46 *Vict., cap.* 97.)

(76) To amend the Act to incorporate the Northern, North Western and Sault Ste. Marie Railway Company, and to change the name of the said Company to the Northern and Pacific Junction Railway Company.—(*Mr. Allan.*)
1°*, 336; 2°*, 355; 3°*, 384. Assent, 681. (46 *Vict., cap.* 67).

(78) To amend the Act passed in the forty-fifth year of the reign of Her present Majesty, intituled: "An Act to repeal the duty on promissory notes, drafts and bills of exchange."—(*Mr. Botsford.*).
1°*, 225; 2°, 273–5; in Com. & amd.*, 278; 3°*, 280. Assent, 681. (46 *Vict., cap.* 21.)

(79) To incorporate the Davis and Lawrence Company.—(*Mr. Ogilvie.*)
1°*, 280; 2° (ques. of residence of directorate, & ques. of legislative jurisdiction) 296–9; 3°*, 304. Assent, 681. (46 *Vict., cap.* 90.)

(80) To amend the Act incorporating "The Great Eastern Railway Company."—(*Mr. Bellerose.*)
1°*, 237; 2°*, 255; 3°*, 280. Assent, 681. (46 *Vict., cap.* 61.)

(83) To amend the Acts respecting procedure in Criminal cases, and other matters relating to Criminal Law.—(*Sir A. Campbell.*)
1°*, 160; 2°, 171; in Com.*, 178; 3°, 185. Assent, 681. (46 *Vict. cap.* 34.)

(85) To amend "The Dominion Elections Act, 1874."—(*Sir A. Campbell.*)
1°*, 433; 2°, 460-2; 3°*, 482. Assent, 681. (46 *Vict., cap.* 4.)

(88) To unite the Winnipeg and Hudson's Bay Railway and Steamship Company and the Nelson Valley Railway and Transportation Company into one corporation, under the name of "The Winnipeg and Hudson's Bay Railway and Steamship Company."—(*Mr. Plumb.*)
1°*, 314; 2°, 356; 3°*, 384. Assent, 681. (46 *Vict, cap.* 69).

(89) Respecting certificates to Masters and Mates of Inland and Coasting Ships.—(*Sir A. Campbell.*)
1°*, 314; 2°, 345-9; in Com. & amd,* 387; 3°, 409. Assent, 681. (46 *Vict., cap.* 28).

(90)—See above, "B."

(91)—See above, "C."

(92)—See above, "G."

(93)—See above, "E."

(94) To amend "An Act respecting the offices of Receiver General and Minister of Public Works," as to the powers of the Minister of Railways and Canals.—(*Sir A. Campbell.*)
1°*, 433; 2°, 462; 3°*, 482. Assent, 681. (46 *Vict., cap.* 5).

(95)—See above, "H."

(96)—See above, "K."

(101) Further to amend "The Fisheries Act."—(*Sir A. Campbell.*)
1°*, 569; 2°, 572–587; in Com., Amt. suggested (*Mr. Power*) riparian owners' rights, 588; Amt. m. (*Mr. Chapais*) on that clause, 592; suggestion (*Mr. deBoucherville*) to strike out the clause, 592; *Mr. Chapais'* Amt. agreed to, 592; notice of Amt. to 3° (*Mr. Nelson.*) B. C. exemptions, 592; Amt. m. (*Mr. Power*) apparatus, agreed to, 592; B. reported & 3°*, 593.—*Commons* disagreeing with Amts. (riparian owners' rights) Amts. insisted on, 657-8.

(103)—See above, "L."

(104) Further to amend "The General Inspection Act, 1874.—(*Sir A. Campbell.*)
1°*, 363; 2°*, 373; in Com. & 3°*, 383. Assent, 681. (46 *Vict., cap.* 29.)

(105) For granting certain powers to the Canadian Electric Light Company.—(*Mr. Plumb.*)
1°*, 363; 2° & referred to Standing Ord. Com., 434; Amts. of Standing Ord. Com. adopted, & 3°, 588. Assent, 681. (46 *Vict., cap.* 80.)

(108) Further to amend the Act respecting the Harbour of Pictou.—(*Sir A. Campbell.*)
1°*, 384; 2°*, 387; in Com. & 3°*, 391. Assent, 681. (46 *Vict., cap.* 42).

(111)—See above, "J."

(112)—See above, "F."

(113) To authorize the Grand Trunk Railway Company of Canada to extend their traffic arrangement with the North Shore Railway Company to fifty years from the date thereof.—(*Mr. Ferrier.*)
1°*, 383; referred to Standing Ord. Com., 383; suspension of Rules 51, 56 & 57 m. (*Mr. Vidal*) 389, agreed to, 390; 2°, m. for, & postponement, 390; 434; Amt. m. (*Mr. deBoucherville*), 6 months' "hoist," 435-9, negatived (C. 21, N-C.

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27) 447; Ques. of recording "Pairs" on divn., 448, 458; B. 2°, on same divn., 448; reported from Ry. Com., 474; Ques. of reporting *Proceedings* of Com., & m. (*Mr. deBoucherville*) for *Speaker's* Ruling, put & withdn., 474-482; notice of Amt. to 3° (*Mr. Power*) *, 482; on 3°, Amt. to re-com. & add clause (existing rights) m. (*Mr. Power*) 496, negatived (C. 24, N-C. 31) & B. 3°, 501. Assent, 681. (46 *Vict., cap.* 54).

(114) Respecting the Canadian Pacific Railway Company.—(*Mr. Allan.*)
1°*, 384; 2°, 387; 3°*, 458. Assent, 681. (46 *Vict., cap.* 55.)

(115) To consolidate and amend the several Acts respecting the Inland Revenue.—(*Sir A. Campbell.*)
1°*, 474; 2°, 492; in Com. & reported *, 524; on m. for consideration of Rep., 524; re-com. & amd.*, 531; 3°*, 532. Assent, 681. (46 *Vict., cap.* 15.)

(116) Further to amend the Act respecting the incorporation of a Company to establish a Marine Telegraph between the Pacific coast of Canada and Asia. (*Mr. Macdonald.*)
1°*, 388; 2°, 410; in Com, & 3°*, 448. Assent, 681. (46 *Vict., cap.* 45.)

(118) To amend the Act incorporating the European, American, Canadian and Asiatic Cable Company (Limited), and to change the name thereof to "The American, British and Continental Cable Company (Limited)." — (*Mr. Plumb.*)
1°*, 388; 2°, 513-523; rep. from Com.*, & 3° postponed, 532; 3°, 541-555. Assent, 681. (46 *Vict., cap.* 78.)

(119) Further to amend the Tariff of Duties of Customs.—(*Sir A. Campbell.*)
1°*, 610; 2°, 653; 3°*, 656. Assent, 681. (46 *Vict., cap.* 13.)

(120)—See above, "I."

(121) Respecting the Harbour Master of the Harbour of Three Rivers.—(*Sir A. Campbell.*)
1°*, 433; 2°, 474; in Com. & 3°*, 492. Assent, 681. (46 *Vict., cap.* 41.)

(122)—See above, "O."

(123)—See above, "R."

(124)—See above, "Q."

(125)—See above, "P."

(126) To make further provision respecting the Regulation and Collection of Tolls on Government Timber Slides and other Works constructed to facilitate the transmission of Timber, Lumber and Saw logs.—(*Sir A. Campbell.*)
1°*, 569; 2°*, 587; in Com., 593; 3°*, 594. Assent, 681. (46 *Vict., cap.* 16.)

(127) Further to amend "The Consolidated Railway Act, 1879," and to declare certain lines of Railway to be works for the general advantage of Canada.—(*Sir A. Campbell.*)
1°*, 610; 2°m., 637, agreed to on a divn., 641; in Com., 641; Amt. m. (*Mr. Power*) excluding local lines, 642, lost on a divn., 643; Amt. (*Sir A. Campbell*) time proviso, agreed to, 643; Amt. (*Sir A. Campbell*) fences, agreed to on a divn., 643-4; B. reported & 3°m, 657; Amt. m. (*Mr. Power*) excluding local lines, lost on a divn, & B. 3°, 657. Assent, 681. (46 *Vict., cap.* 24.)

(128) For granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1883, and the 30th June, 1884, and for other purposes relating to the public service.—(*Sir A. Campbell.*)
1°*, 679; 2°, 680; 3°*, 681. Assent, 684. (46 *Vict., cap.* 2.)

(129) To amend the Act thirty-eighth Victoria, chapter fifty-six, intituled "An Act respecting the Graving Dock in the Harbour of Quebec, and authorizing the raising of a loan in respect thereof."—(*Sir A. Campbell.*)
1°*, 571; 2°, 609; 3°*, 611. Assent, 681. (46 *Vict., cap.* 40).

(130) To amend the Act thirty-sixth Victoria, chapter sixty-two, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbour.—(*Sir A. Campbell.*)
1°*, 571; 2°, 609; 3°*, 611. Assent, 681. (46 *Vict., cap.* 39).

(131) To encourage the manufacture of Pig Iron in Canada, from Canadian ore.—(*Sir A. Campbell.*)
1°*, 610; 2°, 644-653; 3° on a divn. *, 653. Assent, 681. (46 *Vict., cap.* 14).

(132) Respecting the sale of Intoxicating Liquors and the issue of licenses therefor.—(*Sir A. Campbell.*)
1°*, 627; 2°, 657; in Com.*, 657; in Com. (with general debate on constitutionality, &c.,) 666; reported, 677; on m. for 3°, Amt. (*Mr. Scott*) to defer, pending decision on jurisdiction, negatived (C. 12, N-C. 17) 677; Amt. (*Mr. Trudel*) rights of local legislatures, m., 677, dropped, 678; Amt. (*Mr. Nelson*) time extension in B. C., m., 678, dropped, 679; Amt. (*Mr. Plumb*) number of licences, m. & withdwn., 679; B. 3° on a divn., 679. Assent, 681. (46 *Vict., cap.* 30.)

(133) To continue for a limited time the Acts therein mentioned. — (*Sir A. Campbell.*)
1° & 2°*, 611; in Com. & 3°*, 653. Assent, 681. (46 *Vict., cap.* 33.)

(134) To provide for the salaries and superannuation and travelling allowances of certain Judges of certain Provincial Courts.—(*Sir A. Campbell.*)
1°*, 610; Rule 41 suspended, & 2°, 610; 3°*, 611. Assent, 681. (46 *Vict., cap.* 9.)

(135)—See above, "T."

(136)—See above, "U."

(137) For authorizing Subsidies for the construction of the lines of Railway therein mentioned.—(*Sir A. Campbell.*)
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